

1       SACRAMENTO, CALIFORNIA, DECEMBER 14, 1999 - 9:30 A.M.

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3                       CHAIRMAN EATON:  Good morning, everyone,  
4  and welcome to the last board meeting of the year 1999,  
5  and depending on which side of the aisle or which side of  
6  the argument you're on, it's the last of this one before  
7  we enter the new millennium or we've got one year left  
8  before the new millennium.  The one thing that this board  
9  knows for sure is that two days, today and tomorrow, are  
10 the last for this year and that's what concerns us.

11                      Madam Secretary, will you please call the  
12 roll.

13                      BOARD SECRETARY:  Board Members Jones.

14                      BOARD MEMBER JONES:  Here.

15                      BOARD SECRETARY:  Moulton-Patterson.

16                      BOARD MEMBER MOULTON-PATTERSON:  Here.

17                      BOARD SECRETARY:  Pennington.

18                      BOARD MEMBER PENNINGTON:  Here.

19                      BOARD SECRETARY:  Roberti.

20                      Chairman Eaton.

21                      CHAIRMAN EATON:  Here.

22                      My understanding is Senator Roberti is on  
23 his way and we'll proceed with some housekeeping matters,  
24 first and foremost, ex parte communications.

25                      Ladies and gentlemen, I'll read a few of

1 the letters that I think most of us have received, and if  
2 I have received them and I mention them in my initial  
3 disclosure of ex parte communications, according to  
4 counsel you need not report them. Just say that I had the  
5 same as Mr. Eaton.

6                   The first one is Mayor Frank West from  
7 Moreno Valley concerning base year inaccuracies; J. David  
8 Myers from Monterey Regional Waste Management concerning  
9 used oil opportunity grant program; Ms. Joyce Woods, base  
10 year inaccuracies; Senator Bruce McPherson, the used oil  
11 infrastructure improvement program; Fenna Gatty, model  
12 schools; Dennis Allen, Tajiguas landfill; Assemblyman Fred  
13 Keeley, used oil opportunity grants regarding Moss Landing  
14 Harbor District; Glenda Nelson, also regarding the used  
15 oil opportunity grant Moss Landing; William Douris, also  
16 regarding the used oil opportunity grant Moss Landing;  
17 Kaitilin Gaffney regarding the used oil opportunity grant  
18 Moss Landing; and finally Jocelyn Reed, City of Modesto,  
19 used oil opportunity grant.

20                   Those were the ones that I had not included  
21 on my written ex parte list previously, along with the  
22 several hundred letters that we may have received and  
23 responded to prior thereto.

24                   Mr. Pennington, I'll start with you.

25 Anything additional or do you need to --

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1                   BOARD MEMBER PENNINGTON: Just one,  
2 Mr. Chairman. A letter from Cheryl Brothers, President of  
3 the Discovery Museum of Orange County.

4                   CHAIRMAN EATON: Mr. Jones.

5                   BOARD MEMBER JONES: I think you covered  
6 them all for me, Mr. Chairman.

7                   CHAIRMAN EATON: Okay.

8                   Ms. Moulton-Patterson.

9                   BOARD MEMBER MOULTON-PATTERSON: You  
10 covered all of mine, also.

11                  CHAIRMAN EATON: Okay.

12                  For those of you who may be new to our  
13 board proceedings, in the back of the chambers there are  
14 speaker slips. If you would like to address the Board on  
15 any item on today's agenda, if you could kindly fill out a  
16 slip with the specific item or items that you would like  
17 to address to the Board and bring it forward and give it  
18 to Ms. Lisa Dominguez on my left and for most of you on  
19 your right, she'll make sure we know of your desire to  
20 speak.

21                  With that, any Board Members have anything  
22 you would like to bring up regarding reports over the last  
23 month?

24                  Mr. Pennington.

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1 you'll indulge me for a moment here. Today may be my last  
2 board meeting since my term does end at the end of the  
3 year, so I would like to take the opportunity to thank the  
4 staff. Four and a half years I've been here on the Board,  
5 three and a half as the Chairman and a year as a Board  
6 Member. It has been a delight. It's been an education.  
7 It's been hard work. It's been fun. But all of that has  
8 been made possible by a wonderful staff.

9                   The Board has an absolutely magnificent  
10 staff. I know that over the years you hear a lot of jokes  
11 and ridicule of state workers. I can tell you that this  
12 staff and this Board absolutely trashes any idea that  
13 state workers aren't hard working, dedicated people. I  
14 would try to name a few names, but if I did, I know I  
15 would leave people out who are absolutely critical to the  
16 function and the goals and the duties of this Board, so I  
17 won't try to do that.

18                   But I do want to say that they should be  
19 proud of themselves, proud of what they do for us Board  
20 Members, proud of what they do for the people of  
21 California, proud of what they contribute to a better  
22 environment. So it's my congratulations to you, and thank  
23 you again from the bottom of my heart for everything you

24 have afforded me in my four and a half years here.

25 I can't talk about staff without talking

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1 about my own personal staff -- Marlene Kelly, Patti  
2 Shawhan, Susan Westlake, Lou Hastings. You can't be in a  
3 job like this without tremendous support and support  
4 staff, and I can tell you that when the Governor, former  
5 Governor appointed me to it, he said, "Dan, I want you to  
6 pick some people that you can trust and that you feel will  
7 be loyal to you." I said, "Well, Governor, one of those  
8 is a democrat from Arizona," and he said, "That's your  
9 choice." So that's how Lou Hastings got here. Lou and I,  
10 as I'm sure you all know, have been friends and colleagues  
11 and worked together for better than 28 years, almost 30  
12 years now, I guess, off and on, and I could not do  
13 anything without his imprint on it, and I appreciate his  
14 efforts on my behalf and on the behalf of the Board.

15 Susan Westlake I encountered when I first  
16 went to the Department of Housing. As most of you know,  
17 she is an excellent organizer. She is great at the  
18 budget, personnel matters, and a good friend and also a  
19 very loyal person.

20 I started out with Marlene Kelly and I  
21 thought that I had found a jewel because she knew the  
22 Board, unlike I did, and she knew the players and the

23 people. While she's not here today, she certainly was a  
24 major contributor. When she left, Patti Shawhan stepped  
25 in and did yeoman's work as we prepared to leave the

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1 Board, has been critical in getting me ready for that  
2 transition as well keeping me on track.

3                   So I must again thank them and thank you,  
4 Mr. Chairman, for being so kind to me over the last year.  
5 I thank my colleagues and congratulate you all on what a  
6 wonderful job you are doing for the people of California  
7 and for the Governor, no matter who he may be. So I don't  
8 want to leave the Board without being able to say these  
9 few remarks, and I appreciate your indulgence.

10                   Thank you.

11                   (Applause)

12                   CHAIRMAN EATON: Well, Dan, being an old  
13 campaign guy, you know I don't prepare anything without  
14 really knowing the final results, and therefore, we still  
15 have some time left.

16                   Mr. Jones.

17                   BOARD MEMBER JONES: Well, you know I hate  
18 to -- I'm not going to give a speech because this might be  
19 my last board meeting too. Who knows. I can't worry  
20 about what I don't control, but if that happens, then  
21 you'll hear from me at another time.

22 CHAIRMAN EATON: And that's your report for  
23 today, December 14th, 1999.

24 BOARD MEMBER JONES: That's the way it is.

25 CHAIRMAN EATON: Ms. Moulton-Patterson.

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1 BOARD MEMBER MOULTON-PATTERSON: I would  
2 just like to say to Mr. Pennington, thank you for the  
3 short time we've served together. It's been great and  
4 been a great help to me and very warm and hospitable, and  
5 I really, really appreciate it.

6 I certainly hope you're back, Mr. Jones, so  
7 I won't address that. But anyway, thank you very much,  
8 Mr. Pennington, if this is your last meeting. I really  
9 think you've offered so much to the State and I hope I can  
10 come to you and seek your advice.

11 BOARD MEMBER PENNINGTON: Always.

12 BOARD MEMBER MOULTON-PATTERSON: Thank you.

13 BOARD MEMBER PENNINGTON: I'm always ready  
14 to give my advice.

15 (Laughter)

16 CHAIRMAN EATON: While we give a few  
17 minutes to Senator Roberti, I'll kind of go through some  
18 additional housekeeping matters.

19 The Executive Director's report, which  
20 normally comes at this time, will be given tomorrow.

21 Mr. Chandler had a family matter that had to be attended  
22 to today and will not be available today but will be here  
23 tomorrow. His report will be given tomorrow.

24 We have one item that was listed under  
25 continued business, which was the Lionudakis compost

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1 facility. My understanding is the LEA and operator are  
2 about to enter into some additional negotiations on a  
3 final permit so they've asked for one more extension to  
4 January 25th. So that will be put over to the January  
5 meeting in Sacramento.

6 That takes us to the consent agenda, but  
7 before we begin, I would like to see if Ms. Dominguez, if  
8 you could call Senator's Roberti's name and just establish  
9 that he is here and present.

10 BOARD SECRETARY: Board Member Roberti.

11 BOARD MEMBER ROBERTI: Here.

12 CHAIRMAN EATON: Okay. Senator, any ex  
13 parte communications in addition? We went through an  
14 extensive list, which I think you probably have looked at,  
15 but any additional?

16 BOARD MEMBER ROBERTI: Mr. Chairman, we're  
17 checking to see if all my ex partes have been put across,  
18 but nothing is pending at the moment.

19 CHAIRMAN EATON: I've got housekeeping I



20 can go through to give you a few minutes.

21 BOARD MEMBER ROBERTI: But -- okay. Fine.

22 CHAIRMAN EATON: We have a number of items  
23 on today's consent agenda. You should have received from  
24 Ms. Karen Fish, our acting Chief Deputy, her consent items  
25 for the December 14th and 15th meeting. Those items that

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1 are available for consent are Items Number 4, 6, 10, 19,  
2 20, 30 and 31. Does any member of the Board wish to pull  
3 any of these items from consent?

4 BOARD MEMBER PENNINGTON: Mr. Chairman.

5 CHAIRMAN EATON: Mr. Pennington.

6 BOARD MEMBER PENNINGTON: I'll move  
7 adoption of the consent calendar.

8 CHAIRMAN EATON: Okay.

9 BOARD MEMBER MOULTON-PATTERSON: Second.

10 CHAIRMAN EATON: Mr. Pennington moves and  
11 Ms. Moulton-Patterson that we adopt the consent calendar  
12 consisting of the following items: Items 4, 6, 10, 19,  
13 20, 30 and 31.

14 Madam Secretary, please call the roll.

15 BOARD SECRETARY: Board Members Jones.

16 BOARD MEMBER JONES: Aye.

17 BOARD SECRETARY: Moulton-Patterson.

18 BOARD MEMBER MOULTON-PATTERSON: Aye.

19 BOARD SECRETARY: Pennington.  
20 BOARD MEMBER PENNINGTON: Aye.  
21 BOARD SECRETARY: Roberti.  
22 BOARD MEMBER ROBERTI: Aye.  
23 BOARD SECRETARY: Chairman Eaton.  
24 CHAIRMAN EATON: Aye.  
25 Let's go to our new business agenda items.

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1 Before we do that, I do have last minute announcements.  
2 You know it is the holiday season and you know it's also  
3 the flu season. I think some of us have already  
4 experienced that on the Board. There are a number of  
5 items that were scheduled for today that will be continued  
6 to the January 25th agenda. So if you have the agenda  
7 item, Members, and members of the audience, I'll go  
8 through those that were continued.

9 Item Number 14, which I haven't spoken to  
10 you about but that was -- we received early this morning  
11 from Chemlite, the President, that he had a family  
12 emergency, an illness as well, and asked that if we could  
13 kick over that hearing for one month so that he could be  
14 present. He's the President, as I understand, of the  
15 company and therefore wanted to be present. So Item  
16 Number 14 will be kicked over to the January meeting as  
17 well.

18                   Item Number 23, which is the base year  
19 for -- corrected base year and recycling element for the  
20 City of Hemet.

21                   Item Number 32, which is the report to the  
22 legislature, that item, as you well know, staff has been  
23 working with each of the individual Members' offices and  
24 the advisors, and I would encourage them to continue to  
25 meet with the advisors and Board Members to finalize that

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1 report. We have an extension of time, a request for  
2 extension of time for that time necessity that was  
3 originally thought to be and has dissipated for the time  
4 being.

5                   And the other item is Item Number 36, and  
6 Senator Roberti, I think you may have had a comment with  
7 regard to Item Number 36 and the Goodwill Industries.

8                   BOARD MEMBER ROBERTI: Yes, Mr. Chairman.  
9 I visited Goodwill Industries last week sometime, I  
10 believe, and they do seem to have a very serious problem  
11 with illegal dumping. They -- and I would suggest other  
12 related kinds of industries, where people either --  
13 thinking they're doing something helpful, leave their good  
14 used furniture at midnight outside Goodwill's door or  
15 actually not thinking they're doing something helpful,  
16 just leave whatever construction and demolition material

17 they happen to have. You sort of give the people who  
18 leave furniture the benefit of the doubt thinking they're  
19 doing something that can be used, although basically  
20 reupholstered furniture, I've heard, is just about the one  
21 thing that is almost impossible to use. But you can't  
22 give the benefit of the doubt to anybody who leaves their  
23 cement blocks there. They just happen to know Goodwill  
24 will have a truck pickup.

25 So they have a serious problem, and I tend

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1 to think is one we will have to address and I therefore am  
2 happy it will be on our agenda. They and the other  
3 organizations like them, like Saint Vincent de Paul, just  
4 to mention one other, are good citizens who have been in  
5 the recycling business before there was ever a board.

6 CHAIRMAN EATON: Absolutely. My  
7 understanding is they're going to try to make it next  
8 month so that will be heard in January.

9 BOARD MEMBER ROBERTI: Yes.

10 CHAIRMAN EATON: And along with the  
11 Lionudakis, that completes. Having made those  
12 announcements, the first order of business -- and one  
13 other item is my understanding, that Item Number 1, which  
14 was the consideration of a new standardized permit for  
15 Evergreen Nursery in San Diego, the LEA is sick today.

16 They have asked if they could put that over just until  
17 tomorrow. The LEA would like to be present just in case  
18 there are any questions that may have arisen. So Item  
19 Number 1 will be put over to the Wednesday agenda.

20 Then Item Number 2, which is the California  
21 Biomass in Riverside, will be heard Wednesday, as well as  
22 the permit for Eagle Mountain.

23 Senator Roberti.

24 BOARD MEMBER ROBERTI: Yes, Mr. Chairman.

25 This past month prior to this meeting I made a tour of

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1 many of the facilities that are either facilities the  
2 local government engages in regarding waste diversion or  
3 are other entities that deal with our offices, and I  
4 traveled extensively this last month through southern  
5 California and would just like to share with the Board  
6 some of my observations.

7 Needless to say some communities are so  
8 much more terribly advanced than others, and therefore we  
9 have a real checkerboard as to who is excited in complying  
10 with our diversion mandates and who will try to avoid it.  
11 City of Santa Monica has an excellent program in  
12 household hazardous waste. I would just like to share  
13 that with you. And they're working with regional  
14 agreement and other cities on the west side to sort of

15 coordinate their efforts because the average citizen who  
16 tried to find an outlet for the waste doesn't realize,  
17 doesn't pay attention to the city boundaries that much, no  
18 matter where you live through California.

19                   So I was interested because I wanted to  
20 talk to them about paint, which they were happy to share  
21 with me, and antifreeze, and they said antifreeze isn't a  
22 big problem. So in comes a car wanting to get rid of  
23 their household hazardous waste and they open up the trunk  
24 and it was filled with antifreeze. So it's not as great a  
25 problem as paint, but it's one I want to keep on the

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1 drawing board a little bit because I'm concerned about it.

2                   As I said, I did go to Goodwill Industries.

3 Another city in my part of the world that is just way  
4 ahead in educating the public is the City of Burbank.

5 They have great educational programs, so much so that KCET  
6 did a program, that's public television, as to those  
7 communities that are pushing forward and those that are  
8 sort of dragging their feet, and Burbank was the community  
9 that they used.

10                   Throughout the city of Burbank, there are  
11 all kinds of recycling efforts, especially some of the  
12 major studios at recycling their restaurant waste, their  
13 compost, just about everything that they can. Obviously

14 they do this for good public relations, but it is good  
15 public relations and I would say that everybody can learn  
16 from everybody else, and those towns that seem to be more  
17 reluctant ought to frankly go to Santa Monica or Burbank  
18 and they could learn a lot.

19 I was happy to represent the Board in  
20 presenting the Gene Autry Museum with our WRAP award.  
21 Gene Autry Museum is located in the City of Los Angeles  
22 and they recycle just about everything, including using  
23 recycled water for their portion of Griffith Park. And I  
24 was really thrilled to see that there are entities and  
25 communities that take our mandates seriously and go beyond

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1 them, and then you scratch your head when you hear about  
2 these others. Oh, we can't do it, we're being imposed  
3 upon. Some places have a gray mentality and others don't  
4 and some places things can be done.

5 If you think of the wild, wild west, the  
6 last place maybe you would think about having gray  
7 mentality is the Gene Autry museum but they do. They use  
8 themselves as a neighborhood outlet to recycle Christmas  
9 cards. I guess they get a lot of them.

10 I just thought I would share that. I know  
11 all the Members go into areas, not only Sacramento but  
12 other areas as well where they may have their own unique

13 concerns, and I found it to be very, very helpful to me to  
14 see what's happening out there in California, outside our  
15 own very important but little circle here.

16 CHAIRMAN EATON: Thank you, Senator  
17 Roberti.

18 BOARD MEMBER ROBERTI: Thank you.

19 CHAIRMAN EATON: All right. One other item  
20 before we begin the substantive part of our meeting, Item  
21 Number 38, which deals with the resolution commendation,  
22 we'll take that up first and then we'll go back to our  
23 permits section.

24 So Item Number 38 dealing with the  
25 commendation for cleanup activities on behalf of the

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1 Board.

2 CHAIRMAN EATON: Mr. Jones.

3 BOARD MEMBER JONES: Thank you,  
4 Mr. Chairman, Members of the Board.

5 It's the first time I've ever had to be up  
6 here other than when I was in the industry. Usually it's  
7 Danny or the former Chairman giving these out, but for  
8 some reason they asked me to do this presentation.

9 This is a resolution commending two  
10 individuals that we're going to show you a videotape right  
11 now to give you an idea of the type of effort that goes



12 into cleaning up sites. It's more than just picking up  
13 litter on the side of the road. So Todd, do you have that  
14 cued up?

15 MR. THALHAMER: Yes.

16 (Video presentation)

17 BOARD MEMBER JONES: I think a view of a  
18 dozer at the end of a cable gives people the idea of what  
19 it's like. Those of you who have never sat on a piece of  
20 yellow iron, it can be pretty intimidating; but when  
21 you're on a piece of yellow iron that's being held by  
22 probably a three-quarter-inch or a one-inch cable, you  
23 come to appreciate technology and the fact that they can  
24 make a braided cable that will hold that much weight, and  
25 it's because of those efforts that we are going to present

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1 a resolution commending both King Bailey and Jim Hasal  
2 from Sukut Company. If you two want to come up.

3 CHAIRMAN EATON: Now it's proper to move  
4 the resolution.

5 BOARD MEMBER JONES: Okay.

6 CHAIRMAN EATON: If you'd like to move it.

7 BOARD MEMBER JONES: Mr. Chairman, I'd like  
8 to move adoption of Resolution Number 1999-633 commending  
9 King Bailey and Jim Hasal.

10 BOARD MEMBER PENNINGTON: I'll second.

11 CHAIRMAN EATON: All right. Mr. Jones  
12 moves and Mr. Pennington seconds we adopt Resolution  
13 1999-633, commendation for the outstanding work in the  
14 performance of cleanup activities on behalf of the Board.  
15 Madam Secretary, will you please call the  
16 roll.  
17 BOARD SECRETARY: Board Members Jones.  
18 BOARD MEMBER JONES: Aye.  
19 BOARD SECRETARY: Moulton-Patterson.  
20 BOARD MEMBER MOULTON-PATTERSON: Aye.  
21 BOARD SECRETARY: Pennington.  
22 BOARD MEMBER PENNINGTON: Aye.  
23 BOARD SECRETARY: Roberti.  
24 BOARD MEMBER ROBERTI: Aye.  
25 BOARD SECRETARY: Chairman Eaton.

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1 CHAIRMAN EATON: Aye.  
2 Mr. Jones.  
3 BOARD MEMBER JONES: Just real briefly I'm  
4 going to read part of this Resolution, and I'm going to  
5 skip the part that talks about the Waste Board.  
6 (Laughter)  
7 CHAIRMAN EATON: Senator, I will entertain  
8 a motion there is no reading at the Board.  
9 (Laughter)

10                   BOARD MEMBER JONES: Whereas, this project  
11 was fully executed and has become a model of interagency  
12 collaboration between the United States Environmental  
13 Protection Agency, Emergency Response Section and the  
14 Board; and whereas, Sukut Construction met Board and Yurok  
15 Tribal issues and concerns and performed exceptionally in  
16 an environment lacking communications, either cellular or  
17 land line, water or power; whereas, Mr. King Bailey and  
18 Mr. Jim Hasal, demonstrated courage, competence and  
19 flexibility in operating and directing heavy equipment on  
20 an extremely steep and hazardous slope to eliminate a  
21 health hazard; whereas, Board policy allows for  
22 commendation of individuals or entities that have  
23 exhibited exceptional efforts in advancing the goals or  
24 policies of the Board.

25                   Now, therefore, be it resolved that the

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1 Board recognizes and thanks Mr. King Bailey, Mr. Jim  
2 Hasal, and Sukut Construction, Incorporated for  
3 exceptional efforts in advancing the goals of the Board by  
4 performing a dangerous and innovative cleanup of an  
5 illegal dump site.

6                   And with that, I am going to present  
7 Mr. Jim Hasal a resolution signed by all the Board  
8 Members, and Mr. King Bailey. And on behalf of the Board,

9 we appreciate your efforts and we appreciate the job that  
10 you guys have always done for us at Sukut Construction.

11 (Applause)

12 BOARD MEMBER JONES: Mr. Chairman, thanks  
13 for that opportunity. I also want to -- I think we need  
14 to commend Todd and the people from the 2136 program who  
15 have been faced with these kinds of obstacles and had to  
16 figure out with the contractors innovative ways to protect  
17 the health and safety of the people of the state of  
18 California. I think they also deserve a hand.

19 Thank you.

20 CHAIRMAN EATON: Thank you, Mr. Jones.

21 (Applause)

22 CHAIRMAN EATON: All right. Item Number  
23 5, then, on today's schedule, permits. Ms. Nauman.  
24 Remember, Item 4 was on consent and Items 1 through 3 will  
25 be heard tomorrow.

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1 MS. NAUMAN: Good morning Mr. Chairman and  
2 Members. Julie Nauman, Deputy Director, Permitting and  
3 Enforcement Division.

4 Item Number 5 is consideration of a revised  
5 solid waste facility permit for the Edwards Air Force Base  
6 main base sanitary landfill in Kern County. And Chris  
7 Deidrick will be presenting the item.

8 MR. DEIDRICK: Good morning, Mr. Chairman  
9 and Board Members. My name is Chris Deidrick with the  
10 Permitting and Inspections Branch. Today's item is for  
11 the revision of a solid waste facilities permit for  
12 Edwards Air Force Base main base sanitary landfill.

13 The facility is located in the southeast  
14 corner of Kern County, and the owner and operator of the  
15 facility is the Department of Defense, United States Air  
16 Force.

17 In summary, the proposed changes for this  
18 revised permit are as follows: First, the operator would  
19 like to consolidate the registration composting permit of  
20 Edwards Air Force Base composting facility, which is  
21 within the boundaries of the main base, with the Edwards  
22 Air Force Base main base sanitary landfill solid waste  
23 facility permit.

24 They're going to change their Saturday  
25 operating hours from the current 7:30 to 11:30 a.m. to

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1 7:30 to 10:30 a.m. There's a change in the closure date  
2 from the year 2019 to 2028. The fill sequencing and the  
3 bail fill area of the landfill will be modified. And then  
4 finally, they will use treated petroleum-contaminated soil  
5 as alternative daily cover.

6 In summary, board staff has made the

7 following findings: That the lead agency has complied  
8 with the requirements of the California Environmental  
9 Quality Act; the design and the operation of the landfill  
10 is in compliance with state minimum standard for solid  
11 waste disposal facilities; the permit is consistent with  
12 the standards adopted by the Board; and the facility is  
13 consistent with the approved Kern County Integrated Waste  
14 Management Plan.

15 In conclusion, staff has reviewed the  
16 proposed permit and supporting documentation and found  
17 them to be acceptable. Staff recommends that the Board  
18 adopt Board Resolution Number 1999-625, concurring in the  
19 issuance of Solid Waste Facility Permit Number 15-AA-0150.

20 I would also like to report today that  
21 representing the operator is Mr. Paul Schiff and  
22 Ms. Melissa Malencos. They're with the Edwards Air Force  
23 Base Environmental Management Directory, and then  
24 representing the Local Enforcement Agency is Mr. Mike  
25 Gnekow, who is Chief of the Kern County land development

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1 and solid waste program and also, I've learned, the animal  
2 control officer. So he does quite a few things with Kern  
3 County. Any questions?

4 CHAIRMAN EATON: Any questions? I just  
5 have a couple.

6                   The treated petroleum-contaminated soils,  
7   what is the source of those? Are those a source as a  
8   result of the gas station cleanup, or are those a result  
9   of the base's own activity?

10                   MR. DEIDRICK: I can have the operator come  
11   up.

12                   CHAIRMAN EATON: That would be helpful. I  
13   tell you where I'm going with this. This doesn't have  
14   anything to do with the permit, but last month we had a  
15   long one-day Disposal Reporting System inquiry, and one of  
16   the questions that came up, if you remember there were two  
17   young women from adjoining counties, one who mentioned  
18   that they counted soils from petroleum products and one  
19   that didn't allow it to be counted. So I was just  
20   wondering, one, what is the source of this. Is this from  
21   the outside or is this base only; and if so, who receives  
22   the credit for the alternative daily cover.

23                   MR. SCHIFF: The soil comes from out -- it  
24   used to be a permitted soil farm site, and the original --  
25   soil originally came from on the base, not from anywhere

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1   off base, but different restoration sites on base where we  
2   were cleaning up different sites, the soil was brought to  
3   there over the years and allowed to get to a certain  
4   concentration. So we've decided to close that site and

5 got approval to move all the soil to the landfill as  
6 cover.

7 CHAIRMAN EATON: And is there diversion  
8 credit given for that? Do you know what diversion credit  
9 happens to be? I may be asking the wrong individual. I  
10 don't mean to put you on the spot.

11 MR. SCHIFF: I don't think we have gotten  
12 diversion credit for that because it's cover material.  
13 It's not anything that's -- I don't know if the California  
14 definition applies to us.

15 CHAIRMAN EATON: Thank you.

16 BOARD MEMBER JONES: Mr. Chairman.

17 CHAIRMAN EATON: Mr. Jones.

18 BOARD MEMBER JONES: I would like to move  
19 adoption of Resolution 1999-625, consideration of a  
20 revised Solid Waste Facility Permit for Edwards Air Force  
21 Base main base sanitary landfill in Kern County.

22 BOARD MEMBER PENNINGTON: Second.

23 CHAIRMAN EATON: Mr. Jones moves and  
24 Mr. Pennington seconds that we approve the revised Solid  
25 Waste Facility Permit for Edwards Air Force Base main

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1 sanitary landfill, Resolution Number 1999-625.

2 Madam Secretary, please call the roll.

3 BOARD SECRETARY: Board Members Jones.



4 BOARD MEMBER JONES: Aye.  
5 BOARD SECRETARY: Moulton-Patterson.  
6 BOARD MEMBER MOULTON-PATTERSON: Aye.  
7 BOARD SECRETARY: Pennington.  
8 BOARD MEMBER PENNINGTON: Aye.  
9 BOARD SECRETARY: Roberti.  
10 BOARD MEMBER ROBERTI: Aye.  
11 BOARD SECRETARY: Chairman Eaton.  
12 CHAIRMAN EATON: Aye.  
13 See you tomorrow, Ms. Nauman.  
14 All right. Moving to the Waste Prevention  
15 and Market Development. Item Number 6 was a consent item.  
16 Item Number 7, consideration for redirection of funds  
17 regarding California Heartland sponsorship.  
18 BOARD MEMBER MOULTON-PATTERSON: Mr. Chair.  
19 CHAIRMAN EATON: Yes.  
20 BOARD MEMBER MOULTON-PATTERSON: I'll be  
21 presenting Agenda Item Numbers 7 and 8 for the contract  
22 with KVIE for the California Heartland sponsorships since  
23 our office asked that be considered.  
24 As you know, Agenda Item 7 is -- and I'll  
25 read it again, consideration of approval of redirection of

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1 funds, approval of contract and approval of scope of work  
2 for the California Heartland sponsorship, and my interest

3 in this is to make sure we get the most value out of this  
4 sponsorship. I think we all agree it's a good program,  
5 but I'm interested in the Board getting just as much as we  
6 can from this.

7                   As you're familiar with this sponsorship of  
8 California Heartland, we did discuss this at the October  
9 board meeting during the contract concept agenda items.  
10 As it was our sponsorship last year, the contract with  
11 KVIE includes a 10-second on-air credit at the end of each  
12 program and a direct link from their web site to the board  
13 web site. California Heartland viewership has grown  
14 significantly since the show began four years ago. Their  
15 web site receives more than 50,000 hits per week, and also  
16 I was surprised to learn that the show is the most popular  
17 Saturday show in the San Francisco Bay area.

18                   I believe this sponsorship creates many  
19 opportunities for us to expand our public outreach  
20 efforts, especially to the agricultural communities and  
21 schools. I met with a representative from California  
22 Heartland to discuss how we could get more value out of  
23 this sponsorship. I think we're all very interested in  
24 this, and I also discussed this with other Members of the  
25 Board, and my staff spoke with program staff as well.

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1                   From this input, I've identified a number

2 of ways to build on this sponsorship and use the program  
3 segments to increase awareness of a number of programs.  
4 With this year's sponsorship, I believe we can work toward  
5 number one, developing potential stories on important  
6 topics including composting, school gardens, green  
7 buildings, farm and ranch cleanup programs, recycled  
8 market development zone program efforts in rural areas;  
9 number two, expanding the web site to provide additional  
10 information on more of our programs to educators farmers  
11 and the general public; three, increasing distribution of  
12 segment videos to both schools and agricultural  
13 organizations; and lastly, scheduling program hosts to  
14 speak about board programs to key audiences including  
15 educators, local officials and farmers.

16                   The scope of the work for the sponsorship  
17 has been revised to incorporate more details about these  
18 opportunities, as you can see. The revisions focus on  
19 outreach efforts and our role in providing technical  
20 assistance to KVIE when they are developing program topics  
21 on waste management issues. KVIE is enthusiastic about  
22 the additions to the scope and they're looking forward to  
23 working with us.

24                   My office will work with our staff and KVIE  
25 to ensure we meet these expectations. Personally, I'm

1 excited about sharing information with more teachers  
2 through the ag in the classroom program. I personally, as  
3 I mentioned, have a lot of contacts in education and  
4 really want to let them know about these segments that are  
5 available to teachers and how they can incorporate them  
6 into their curriculum. I think the teachers could really  
7 use these. I'm sure you all share my interest to maximize  
8 the benefits of the sponsorship and get the most out of  
9 our money.

10 I was also concerned about the funding -- I  
11 know many of you brought this up -- and the funding of  
12 this sponsorship is staff was able to work and find this  
13 in 1998-'99 funds, and I believe if there's questions,  
14 Terry Jordan can answer these, but basically the \$100,000  
15 sponsorship will be funded through redirection of unspent  
16 funds from previously allocated fiscal year '99-'99 funds  
17 as detailed in the agenda item. Staff were able to  
18 identify funds that were available to redirect the  
19 sponsorship. These funds are administered by the Waste  
20 Prevention and Market Development Division. And also I  
21 know that our Public Affairs Office can work with, and I  
22 hope they'll work with myself and my staff, to incorporate  
23 this into a broader media strategy than is currently  
24 developing.

25 So I ask for your consideration of this

1 item and I wanted to bring it forward today.

2 BOARD MEMBER PENNINGTON: Mr. Chairman.

3 BOARD MEMBER MOULTON-PATTERSON: Are there

4 any questions?

5 CHAIRMAN EATON: Mr. Pennington.

6 BOARD MEMBER PENNINGTON: I have no

7 questions and I am supportive of this, so I would move

8 adoption of Resolution 1999-630.

9 BOARD MEMBER JONES: Second.

10 CHAIRMAN EATON: All right. Mr. Pennington

11 moves and Mr. Jones seconds that we adopt Resolution

12 1999 --

13 BOARD MEMBER PENNINGTON: 999-630.

14 CHAIRMAN EATON: 1999-630. Before we

15 begin, I'm glad that we were able to get not only the

16 dollars, but actually some concessions from KVIE as one of

17 their main sponsors, and hopefully they'll give us an

18 advance schedule as to when we're going to be able to see

19 the airing. That would be helpful to all of us.

20 Madam Secretary, please call the roll.

21 BOARD SECRETARY: Board Members Jones.

22 BOARD MEMBER JONES: Aye.

23 BOARD SECRETARY: Moulton-Patterson.

24 BOARD MEMBER MOULTON-PATTERSON: Aye.

25 BOARD SECRETARY: Pennington.

1 BOARD MEMBER PENNINGTON: Aye.  
2 BOARD SECRETARY: Roberti.  
3 BOARD MEMBER ROBERTI: Aye.  
4 BOARD SECRETARY: Chairman Eaton.  
5 CHAIRMAN EATON: Aye.  
6 All right. Number 8 is just the award of  
7 the contract.  
8 BOARD MEMBER PENNINGTON: Mr. Chairman.  
9 BOARD MEMBER MOULTON-PATTERSON: Yes, it is.  
10 BOARD MEMBER PENNINGTON: Since this is  
11 just the awarding of the contract, I'll move adoption of  
12 Resolution 1999-631.  
13 BOARD MEMBER JONES: Second.  
14 CHAIRMAN EATON: Mr. Pennington moves and  
15 Mr. Jones seconds we adopt Resolution 1999-631. Since  
16 this is actually an award of the contract, we have to  
17 actually have a roll call with the money.  
18 Madam Secretary, please call the roll.  
19 BOARD SECRETARY: Board Members Jones.  
20 BOARD MEMBER JONES: Aye.  
21 BOARD SECRETARY: Moulton-Patterson.  
22 BOARD MEMBER MOULTON-PATTERSON: Aye.  
23 BOARD SECRETARY: Pennington.  
24 BOARD MEMBER PENNINGTON: Aye.  
25 BOARD SECRETARY: Roberti.

1 BOARD MEMBER ROBERTI: Aye.

2 BOARD SECRETARY: Chairman Eaton.

3 CHAIRMAN EATON: Aye.

4 All right. Item Number 9. Ms. Trgovcich.

5 For those of you who may not have heard, Ms. Trgovcich is

6 leaving us. She is going over to work for the Department

7 of Toxic Substances, I think in their Enforcement Division

8 or something like that. Sorry to see her go, and perhaps

9 you can give us a little job description before you begin

10 your presentation.

11 MS. TRGOVCICH: Well, provide a clarifying

12 point. It's Division Chief of Emergency Response and

13 Statewide Operations. So I'm looking forward to it and I

14 will greatly miss the Board and the organization and the

15 staff here. You do a tremendous job, and I've loved my

16 tenure here and I'm looking forward to new challenges.

17 CHAIRMAN EATON: You'll have one.

18 (Laughter)

19 MS. TRGOVCICH: With that, we'll move into

20 Item Number 9, consideration of approval of the recycling

21 market development revolving loan program application for

22 Advanced Recycling Technologies, Inc. Prior to Barbara

23 Van Gee presenting this item, I would like to briefly

24 update the Board that to date, we have closed

25 approximately 79 loans or we have approved them, totaling

1 \$37.8 million. That's tremendous when you just think that  
2 a year ago we were hitting the \$25 million mark. We owe a  
3 tremendous debt of gratitude to our loan staff, debt in  
4 many ways. Included in these figures are five loans  
5 totalling \$3.8 million that were funded and closed within  
6 this fiscal year and four additional loans totalling \$3.4  
7 million that are anticipated to fund within the next 90  
8 days.

9                   The loan you will be considering today is  
10 for \$1 million, and I would just like to point out that  
11 this is yet another plastics loan. It's a tremendous  
12 opportunity here for us, and we see the plastics loan as  
13 being another outgrowth of the Board's implementation of  
14 the Rigid Plastic Packaging Container law. We are seeing  
15 tremendous movement within this portion of the industry in  
16 the state.

17                   With that I'll turn it over to Barbara.

18                   MS. VAN GEE: Good morning, Chairman Eaton  
19 and Board Members. I'm Barbara Van Gee. I'm a loan  
20 officer for the recycling market development revolving  
21 loan program.

22                   Agenda Item Number 9 is consideration of  
23 approval of the recycling development revolving loan  
24 program application for Advanced Recycling Technologies,  
25 Inc. They are requesting \$1 million to finance commercial



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1 real estate, machinery and equipment to grind and  
2 pelletize post-consumer plastic and secondary plastic  
3 materials, and also to manufacture simulated wood  
4 products, otherwise known as plastic lumber.

5                   The project eligibility will be producing  
6 pellets for use in manufactured new products, including  
7 plastic lumber. The feedstock is post-consumer and  
8 secondary materials from manufacturers of various types of  
9 plastic.

10                   This loan was approved by the loan  
11 committee on December 9th, 1999 and was approved as  
12 presented. Permitting and Enforcement has reviewed this  
13 and determined that a Solid Waste Permit is not required.  
14 Diversion, Planning and Local Assistance Division has  
15 reviewed the project and determined that the plastics are  
16 normally disposed in landfills in San Joaquin County.

17                   The company currently is diverting  
18 approximately 3 million tons per year. With this project,  
19 that will add another 3,000,600 tons for a total of  
20 6,000,600 tons per year. It will also create an  
21 additional 16 jobs.

22                   The overhead shows -- the first table in  
23 the overhead shows that the total project cost is \$2.1  
24 million and shows the matching find requirement. The

25 second table shows there is adequate collateral to support

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1 the loan under our requirements.

2 The staff recommends that the Board approve  
3 the loan contained in Resolution 1999-620 to Advanced  
4 Recycling Technologies, Inc. in the amount of \$1 million.  
5 Also in the audience this morning is Art Davis, the  
6 President of Advanced Recycling. He's available to answer  
7 any questions you may have.

8 CHAIRMAN EATON: Any questions of staff or  
9 Mr. Davis?

10 Okay.

11 BOARD MEMBER PENNINGTON: Mr. Chairman.

12 CHAIRMAN EATON: Mr. Pennington.

13 BOARD MEMBER PENNINGTON: I'll move  
14 adoption of Resolution 1999-620, approval of recycling  
15 market development revolving loan program application for  
16 Advanced Recycling Technologies, the loan in the amount of  
17 \$1 million.

18 CHAIRMAN EATON: I'll second the  
19 Resolution.

20 Mr. Pennington moves and Mr. Eaton seconds  
21 that we adopt Resolution 1999-620.

22 Madam Secretary, please call the roll.

23 BOARD SECRETARY: Board Members Jones.

24 BOARD MEMBER JONES: Aye.  
25 BOARD SECRETARY: Moulton-Patterson.

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1 BOARD MEMBER MOULTON-PATTERSON: Aye.  
2 BOARD SECRETARY: Pennington.  
3 BOARD MEMBER PENNINGTON: Aye.  
4 BOARD SECRETARY: Roberti.  
5 BOARD MEMBER ROBERTI: Aye.  
6 BOARD SECRETARY: Chairman Eaton.  
7 CHAIRMAN EATON: Aye.  
8 Item Number 10 was consent. Item Number  
9 12, Members, should be heard before Item 11 because in the  
10 event that we adopt Item Number 12, parts of Number 11  
11 would be moot, but before that --  
12 BOARD MEMBER ROBERTI: Normally,  
13 Mr. Chairman, I have recused myself on RPPC. Questions,  
14 however, I'm advised by counsel on this one I have no  
15 potential conflict, as I think time will prove I had no  
16 potential conflict at all on anything, but nevertheless,  
17 we don't know that for sure. But on this one I definitely  
18 have no conflict so I intend to vote.  
19 CHAIRMAN EATON: Thank you, Senator  
20 Roberti.  
21 Item Number 12.  
22 BOARD MEMBER PENNINGTON: Welcome to the

23 opportunity to vote on plastics.

24 (Laughter)

25 CHAIRMAN EATON: Boy, do I hear a lot of

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1 different votes going on.

2 (Laughter)

3 MS. TRGOVCICH: Good morning again,  
4 Mr. Chairman and Members. This item is consideration of  
5 approval of the Rigid Plastic Packaging Container  
6 compliance agreement for compliance year 2000 for the Pep  
7 Boys, Manny, Moe and Jack of California, and Loctite  
8 Corporation.

9 As an introduction of this item, I would  
10 like to give you a status on these two items. What you  
11 will be hearing today, or this morning, is a presentation  
12 by Michelle of the Waste Prevention and Market Development  
13 Division for the Pep Boys compliance agreement. As you  
14 remember, these compliance agreements have been entered  
15 into in lieu of the Board pursuing fines and penalties  
16 against these companies for violation of the RPPC law in  
17 calendar year 1996.

18 We have been working diligently with  
19 respect to the Loctite Corporation for many months now to  
20 reach a compliance agreement with them. We made them  
21 aware last week that this item was coming before the Board

22 today. We established deadlines for receipt of the  
23 compliance agreements as well.

24 As of this morning, there remain  
25 approximately three outstanding areas of issue. We had

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1 contacted them, staff counsel Deborah Borzelleri contacted  
2 John Preisner, staff counsel for Loctite Corporation, this  
3 morning. I just got off the phone with Mr. Preisner and  
4 Deborah Borzelleri is now speaking with him as well.

5 We have not received approval from the  
6 Loctite Corporation on the compliance agreement that we  
7 would bring before you this morning, so it is up to you as  
8 to whether or not you would like to simply hear the Pep  
9 Boys agreement and we will pull the Loctite agreement this  
10 morning, and then the item that will come before you in  
11 January will be a public hearing item for Loctite  
12 Corporation in which it will be before you to take into  
13 consideration negotiations to date on the compliance  
14 agreement as a basis of consideration of the appropriate  
15 level of fines and penalties to levy against Loctite  
16 Corporation; or, if it is your desire, we could continue  
17 the portion of the item pertaining to Loctite Corporation  
18 to later on this afternoon to give them some additional  
19 time to review the final three changes or to tomorrow  
20 morning.

21 BOARD MEMBER PENNINGTON: Mr. Chairman, I  
22 would recommend we move it to tomorrow morning.

23 CHAIRMAN EATON: Without objection, so will  
24 be ordered with regard to Loctite until tomorrow morning,  
25 if that's sufficient time.

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1 MS. TRGOVCICH: What I will now do is turn  
2 the presentation over to Michelle Marlowe for presentation  
3 of the Pep Boys compliance agreement.

4 MS. MARLOWE: Good morning, Chairman Eaton  
5 and Board Members. For the record, my name is Michelle  
6 Marlowe with the Rigid Plastic Packaging Container  
7 program. Pep Boys agreement is very similar to the other  
8 agreements that we've brought before you thus far. The  
9 only significant difference is that they have specifically  
10 put into their compliance agreement that they would not be  
11 in compliance until the last six months of the year for  
12 the year 2000. We feel like that's fair given that we  
13 have some responsibility for having notified them late in  
14 the process due to some mailing errors. They were quite  
15 late in the process in getting the actual information and  
16 request for certification.

17 I would like to let you know that Pep Boys  
18 is the second largest national automotive products and  
19 accessories chain in the country with 650 stores in 37

20 states. They report employing over 27,000 people and  
21 report sales in excess of \$2.4 billion in 1999. We feel  
22 that it's a fairly large national chain. That is  
23 significant in its agreement to use post-consumer content  
24 in their containers by the end of the year of 2000, and I  
25 would like to ask that you adopt Resolution 1999-609

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1 approving that compliance agreement.

2 CHAIRMAN EATON: Members, any questions,  
3 comments?

4 BOARD MEMBER PENNINGTON: Looks like Manny,  
5 Moe and Jack have done all right.

6 (Laughter)

7 BOARD MEMBER JONES: Mr. Chairman.

8 CHAIRMAN EATON: Mr. Jones.

9 BOARD MEMBER JONES: I'll move adoption of  
10 Resolution 1999-609, consideration of the approval of a  
11 Rigid Plastic Packaging Container compliance agreement for  
12 the year 2000 for the Pep Boys -- Manny, Moe and Jack of  
13 California.

14 CHAIRMAN EATON: All right.

15 BOARD MEMBER MOULTON-PATTERSON: I'll  
16 second it.

17 CHAIRMAN EATON: Mr. Jones moves and  
18 Ms. Moulton-Patterson seconds that we adopt Resolution

19 1999-609.

20 Madam Secretary, please call the roll.

21 BOARD SECRETARY: Board Members Jones.

22 BOARD MEMBER JONES: Aye.

23 BOARD SECRETARY: Moulton-Patterson.

24 BOARD MEMBER MOULTON-PATTERSON: Aye.

25 BOARD SECRETARY: Pennington.

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1 BOARD MEMBER PENNINGTON: Aye.

2 BOARD SECRETARY: Roberti.

3 BOARD MEMBER ROBERTI: Aye.

4 BOARD SECRETARY: Chairman Eaton.

5 CHAIRMAN EATON: Aye.

6 Okay. And with Loctite, we'll move that  
7 until tomorrow. I have one question, Ms. Trgovcich. My  
8 understanding is we have a statutory obligation with  
9 regard to reporting any penalties, fines, et cetera under  
10 this law. Have we ever issued such report, and if so or  
11 if not or if we're in the process of it, whatever the  
12 question would be, are these compliance orders part of  
13 that or does Ms. Borzelleri know?

14 MS. TRGOVCICH: Ms. Borzelleri is just --  
15 walking into the room, perfect timing. This is the first  
16 year that we have enforced the law, so there have been no  
17 reports to date. The question, Debbie, is would under the



18 statutory provision requiring the Board to report fines  
19 and penalties levied under this law, would the compliance  
20 agreements themselves be considered within that category  
21 of activities to be included in the report?

22 CHAIRMAN EATON: Are you aware that there's  
23 a statutory obligation? The question really becomes do  
24 these compliance orders fit within that purview.

25 MS. BORZELLERI: I think we need some time

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1 to look at that. You kind of caught me off guard here.  
2 We can get back to you quickly on that, and maybe when we  
3 take up the Loctite issue, I can come back with an answer  
4 for you.

5 CHAIRMAN EATON: I'm sort of preparing for  
6 next year's budget hearings. I know there's always a  
7 question or two that they pull out from out of nowhere,  
8 and this is one where the Board has had some criticism  
9 about the program we have pushed a lot over I think the  
10 last year, year and a half. Ms. Trgovcich has pushed and  
11 put a lot of staff time in and all the staff, and if it  
12 is, we ought to at least have some sort of recognition of  
13 the work that was done, and if it's within there, I think  
14 this is an appropriate place for it to fit. I would like  
15 to see if we can do that.

16 All right. Item Number 11.

17 BOARD MEMBER JONES: Mr. Chairman.

18 CHAIRMAN EATON: Mr. Jones.

19 BOARD MEMBER JONES: Can we, if -- if  
20 Ms. Borzelleri was to negotiate with Loctite, can we at  
21 least see if we're going to hear this tomorrow?

22 MS. TOBIAS: That's what I was going to  
23 suggest, that we return to that item and basically have  
24 Deborah -- she hasn't had a chance to talk to Karen about  
25 this, but I think she's ready to report on what she's got

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1 with Loctite. Is that okay?

2 CHAIRMAN EATON: Sure. We had ordered it  
3 continued, so --

4 MS. TOBIAS: Right.

5 CHAIRMAN EATON: Procedurally do we have to  
6 consider the item or ask if there's objection that we go  
7 back to it?

8 MS. TOBIAS: I think if there's objection  
9 you can go back.

10 CHAIRMAN EATON: If there's no objection,  
11 we'll return to Item 12.

12 Ms. Borzelleri.

13 MS. BORZELLERI: What I can do is summarize  
14 the agreement as it is right now, but you guys don't have  
15 it in front of you -- I'm sorry. Members don't have it in

16 of you.

17 (Laughter)

18 MS. BORZELLERI: A little informal there.

19 CHAIRMAN EATON: I think we're getting a  
20 long list here.

21 MS. BORZELLERI: So if we can proceed in  
22 that manner, and then I don't know. Do you want to have  
23 something in front of you to vote on it or do you want to  
24 just agree in substance and then --

25 CHAIRMAN EATON: I think the public expects

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1 us to have something that we would have at least looked at  
2 and acknowledged and read. That would be my own personal  
3 opinion, but I'll leave it up to the other Board Members,  
4 if they would like to see something in front of them.

5 BOARD MEMBER PENNINGTON: I certainly  
6 concur with you, Mr. Chairman.

7 MS. BORZELLERI: Okay. Then I guess let's  
8 go ahead and do it tomorrow morning.

9 CHAIRMAN EATON: We could kick it over to  
10 this afternoon.

11 MS. BORZELLERI: That would be fine as  
12 well.

13 CHAIRMAN EATON: And if we come back from  
14 lunch, if you want to provide -- that will give you more

15 time. I know that you've been on the phone, talking all  
16 this time and it might give you some time to --

17 MS. BORZELLERI: I do need to make a couple  
18 of edits and I'll get copies in the back of the room so  
19 everyone can --

20 CHAIRMAN EATON: So without objection,  
21 we'll return to Item Number 12 as it relates to Loctite  
22 right after the lunch break. I won't charge you for being  
23 your mouthpiece today.

24 Item Number 11.

25 MS. TRGOVCICH: Item Number 11, and I must

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1 say as an introduction to this that I love this program.

2 (Laughter)

3 MS. TRGOVCICH: Item Number 11 is  
4 reconsideration --

5 CHAIRMAN EATON: Have you seen our bill  
6 where we're transferring it over to your new division?

7 (Laughter)

8 MS. TRGOVCICH: I was hoping they would  
9 create a cabinet level agency for this program.

10 Item Number 11 is reconsideration of  
11 scheduling public hearings for enforcement of the Rigid  
12 Plastic Packaging Container law against the Pep Boys,  
13 Manny, Moe and Jack of California; Starlite Paint and

14 Varnish; Bevin Bell Company; Dee Jewelry Manufacturing  
15 Company; Quartet; Mil Spec Fasteners; MPL Technologies and  
16 Uncle Milton Industries, Inc.

17                   As you will remember, at your meeting last  
18 month the companies that I just listed were identified as  
19 category one companies or companies that had as yet failed  
20 to respond to the Board's repeated notices for  
21 certification under the RPPC law. The Board directed  
22 staff at that time to schedule these companies for public  
23 hearing at your December meeting, which is today.

24                   As a result of that direction, we sent  
25 notifications to each of the companies listed and they in

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1 fact did respond with a threat of public hearing hanging  
2 over their heads, and we received information for all of  
3 the companies above except for the Pep Boys, Manny, Moe  
4 and Jack, that they were in fact not regulated under the  
5 RPPC law here in California.

6                   With respect to the Pep Boys, Manny, Moe  
7 and Jack of California, you just approved a compliance  
8 agreement under Item Number 12. The resolution contained  
9 in Item Number 11 is a resolution which would remove the  
10 direction to take to public hearing the companies that I  
11 read in the title of this item, and it acknowledges the  
12 approval of the compliance agreement for the Pep Boys,

13 Manny, Moe and Jack of California.

14                   With that, we are requesting your approval  
15 of Resolution 1999-626.

16 BOARD MEMBER JONES: Mr. Chairman.

17 CHAIRMAN EATON: Mr. Jones.

18 BOARD MEMBER JONES: I would like to move  
19 adoption of Resolution 1999-626.

20 BOARD MEMBER MOULTON-PATTERSON: I'll  
21 second.

22 CHAIRMAN EATON: Mr. Jones moves and  
23 Ms. Moulton-Patterson seconds that we adopt Resolution  
24 1999-626.

25 Madam Secretary, please call the roll.

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1 BOARD SECRETARY: Board Members Jones.

2 BOARD MEMBER JONES: Aye.

3 BOARD SECRETARY: Moulton-Patterson.

4 BOARD MEMBER MOULTON-PATTERSON: Aye.

5 BOARD SECRETARY: Pennington.

6 BOARD MEMBER PENNINGTON: Aye.

7 BOARD SECRETARY: Roberti.

8 BOARD MEMBER ROBERTI: Aye.

9 BOARD SECRETARY: Chairman Eaton.

10 CHAIRMAN EATON: Aye.

11 Ms. Trgovcich, I know that because we've

12 done Manny, Moe and Jack and Manny, Moe and Jack of  
13 California, that as it relates to Item Number 13, that is  
14 unnecessary at the present time?

15 MS. TRGOVCICH: That item, Item Number 13,  
16 would be unnecessary with the approval of the compliance  
17 agreement and can be pulled from your calendar.

18 CHAIRMAN EATON: So Item Number 13 is  
19 pulled as a result of our actions with regard to Item  
20 Number 12.

21 Item Number 14, which was Chemlite, which  
22 as I mentioned to you they made a request based upon an  
23 illness in the family to be moved to January. Now with  
24 regard to Item Number 15, that involves Loctite. We may  
25 just need to put that on the calendar this afternoon after

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1 Ms. Borzelleri, as I understand, is going to report back  
2 to us; is that correct?

3 MS. TRGOVCICH: Correct.

4 CHAIRMAN EATON: With that, since it's been  
5 a long time since we've been able to take a break, roughly  
6 around 10:45 in the morning, shortly before lunch. So if  
7 we can take a short break and reconvene at 11:00 a.m. and  
8 give the court reporter a well-deserved break. We'll  
9 return and stand in recess until 11:00.

10 Thank you.

11 (Brief recess taken)

12 CHAIRMAN EATON: Welcome back, everyone.

13 I'll ask my colleagues if there are any ex  
14 parte communications. Mr. Pennington?

15 BOARD MEMBER PENNINGTON: No, sir. I do  
16 not.

17 CHAIRMAN EATON: Mr. Jones.

18 BOARD MEMBER JONES: Two. One, Paul Yoder  
19 talking to me about Solano County, and Paul Ryan talking  
20 about all the fun -- and I'm not going to diminish how  
21 disgusting what's happening in San Bernardino County.  
22 Those are my two ex partes.

23 CHAIRMAN EATON: Mr. Moulton-Patterson.

24 BOARD MEMBER MOULTON-PATTERSON: Yes,  
25 Mr. Chair. I had some that I neglected to report at first

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1 because we didn't have all the names. On Friday I visited  
2 the City of Camarillo and Gold Coast Recycling and  
3 Transfer Station, and I talked with officials there  
4 regarding some of the problems that they're having with  
5 the Disposal Reporting System and just general thoughts  
6 about AB 939 and took a tour of that facility. So I  
7 needed to ex parte Jim Harrison of Harrison Industries and  
8 Gold Coast Recycling; Nan Drake, Harrison Industries and  
9 California Wood Recycling; Rebecca Gay, the City of



10 Camarillo; Bob Westdike, City of Camarillo; and also  
11 Councilwoman Charlotte Craven, City of Camarillo.

12 Thank you.

13 CHAIRMAN EATON: Item Number 16, update on  
14 quarterly compliance order reports. Mr. Schiavo, welcome  
15 back.

16 MR. SCHIAVO: Pat Schiavo of the Diversion,  
17 Planning and Local Assistance Division. This presentation  
18 will be made by Keith Kennedy and this will be Keith's  
19 first presentation to the Board.

20 BOARD MEMBER JONES: We'll be kind. We'll  
21 be gentle.

22 MR. KENNEDY: I'd appreciate that.

23 CHAIRMAN EATON: We need date and place of  
24 birth, too.

25 (Laughter)

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1 MR. KENNEDY: Good morning, Chairman Eaton  
2 and Members of the board.

3 With one exception, all of the  
4 jurisdictions on compliance as of the September board  
5 meeting are meeting their requirements of their orders.  
6 All of the jurisdictions that have quarterly reports due  
7 have submitted on time. The remaining jurisdictions that  
8 were required to select a method to address their

9 compliance order have submitted their choice to board  
10 staff.

11 The one exception is the city of Avenal  
12 which is requesting an extension to their order. This  
13 item, however, will be heard in a separate agenda item,  
14 Number 21, at this meeting.

15 I've provided you an information package  
16 which gives you greater detail including background  
17 information and the current status for each jurisdiction.

18 This concludes my presentation.

19 CHAIRMAN EATON: Any questions, comments?  
20 Now is our time, like they do in gymnastics, where we put  
21 up the numbers 1 through 5 and give you a rating.

22 (Laughter)

23 CHAIRMAN EATON: Members, if you please.  
24 There we go. All right. Thank you.

25 (Laughter)

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1 CHAIRMAN EATON: Should have been here the  
2 last couple of months when we did the actual compliance  
3 orders. Mr. Schiavo, you owe him something for the  
4 holiday.

5 Okay. Item Number 17.

6 MR. SCHIAVO: Yasmin Satter will be making  
7 this presentation.

8 MS. SATTER: Good morning, Mr. Chairman and  
9 Board Members.

10 Agenda Item Number 17 is consideration of  
11 staff recommendation to change the base year to 1998 for  
12 the previously approved Source Reduction and Recycling  
13 Element, consideration of staff recommendation on the  
14 biennial review findings for the Source Reduction and  
15 Recycling Element, and consideration of adoption of a  
16 compliance order relative to the biennial review findings  
17 for the unincorporated area of Solano County.

18 Staff conducted a biennial review of the  
19 unincorporated area of Solano County's Source Reduction  
20 and Recycling Element in accordance with the process  
21 described in the October 1997 Board-approved biennial  
22 review process. The County is implementing a large  
23 majority of its Source Reduction and Recycling Element  
24 selected programs.

25 This item was presented to the Board on

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1 September 21st, 1999. The Board had concerns regarding  
2 the allocation method of assigning diversion data using  
3 population factors and the County was directed to consider  
4 economic factors -- other economic factors in lieu of  
5 population when the program is commercial rather than  
6 residential.

7                   The County has revised the method of  
8 allocating diversion data using the appropriate economic  
9 factors. Board staff has determined that the method used  
10 to calculate the diversion rate has been adequately  
11 documented and is consistent with previous Board standards  
12 for accuracy.

13                   Therefore, staff recommends that the  
14 request to change the base year to 1998 be approved and  
15 the biennial review findings be accepted.

16                   This concludes my presentation. Myself and  
17 a representative from the County are available to answer  
18 any questions you may have.

19                   CHAIRMAN EATON: Any questions?

20                   BOARD MEMBER JONES: Mr. Chairman.

21                   CHAIRMAN EATON: Mr. Jones.

22                   BOARD MEMBER JONES: I want to move  
23 adoption of this, but I need to --

24                   CHAIRMAN EATON: I have a --

25                   BOARD MEMBER JONES: I have a couple of

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1 questions. I'm going to probably end up, after all the  
2 questions, moving for adoption as a -- for the sake of  
3 consistency that staff has been working with this staff  
4 and going off of passports, direction to do it, but I'm a  
5 little bit nervous about the allocation of dirt and the

6 allocation of rendering certainly as a recycling issue,  
7 but that material never went to the landfill.

8                   But anyway, the thing on the program  
9 implementation I think is important for this agenda item  
10 is that programs not implemented as listed in the SRRE  
11 are -- dry resistant landscape, that's fine, but the  
12 expansion of single and multifamily curbside collection  
13 programs and the expansion of commercial and industrial  
14 recycling programs are programs that haven't been  
15 expanded, obviously because the diversion rate is high  
16 enough with some of the other programs that have been  
17 listed so they haven't felt the need.

18                   I think it's important that we stay  
19 consistent, but that's why I'm probably going to go ahead  
20 with this because staff had given the direction, but it  
21 does beg the question sometimes as to what counts and what  
22 doesn't and really how important are the numbers compared  
23 to the programs, and that is bothersome to me.

24                   CHAIRMAN EATON: Could someone explain to  
25 me the biomass issue? And they currently don't have

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1 anything in operation now; correct?

2                   MS. SATTER: They do, but the regulations  
3 don't allow any jurisdiction to use the biomass diversion  
4 until the year 2000, and we put that number in this agenda

5 item because the year 2000 is almost here, so they don't  
6 have to come back because the regulation requires any  
7 diversion counted has to be shown as disposed in the base  
8 year. So therefore, we included that so they don't have  
9 to come back next year to get Board approval on that  
10 change.

11 CHAIRMAN EATON: How long have they been  
12 using it? How long has their biomass -- and what is it?

13 MS. SATTER: The biomass is on the material  
14 which can be used, biomass as green waste, like wood  
15 waste, green waste, not regular solid municipal waste.  
16 This program has been going on for a long time, and if you  
17 need more details, I can have the representative come up.

18 CHAIRMAN EATON: I think it's Ms. McCarthy;  
19 isn't it? Where are you doing biomass and what does it  
20 consist of?

21 MS. MC CARTHY: The biomass we included was  
22 waste going to Woodland Biomass Plant located in Yolo  
23 County, and it's mostly wood waste. We didn't count the  
24 agricultural material.

25 CHAIRMAN EATON: You claim that and Yolo

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1 doesn't?

2 MS. MC CARTHY: We contacted the facility  
3 and got information from them about the percentage that

4 was coming from Solano County.

5 CHAIRMAN EATON: Okay.

6 MS. MC CARTHY: And the way the rules are  
7 right now is you can count it towards the 2000 goal, you  
8 can't count it now. So we wanted to just display it so it  
9 was clear where you're supposed to include it.

10 I would like to respond to Mr. Jones's  
11 question about our program implementation.

12 CHAIRMAN EATON: Sure.

13 MS. MC CARTHY: We've talked with staff  
14 about this quite a bit. The information you got was for  
15 the years '95-'96, but actually in terms of our programs  
16 almost all of our programs have been implemented and are  
17 ongoing, but we didn't include the '97-'98 data, and so we  
18 do have curbside collection in parts of the unincorporated  
19 county. In the more dense parts, we do have a franchise,  
20 yard waste and curbside collection, and in some of the  
21 other areas we have collection starting in the spring of  
22 2000.

23 BOARD MEMBER JONES: Mr. Chairman.

24 CHAIRMAN EATON: Mr. Jones.

25 BOARD MEMBER JONES: I'm going to probably

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1 support this because of the efforts that you guys and  
2 staff put to this, but I have to tell you as somebody that

3 has pretty fair knowledge of what goes on in Solano  
4 County, because it was one of my companies at one time.  
5 Whoever decided that dirt would get counted -- and I heard  
6 the rationale was that it was in loads of C&D waste or  
7 something like that -- is as big a stretch as I've ever  
8 heard because I don't care if fees got paid or whatever.

9                   Fee at the gate is different than fee to  
10 the Waste Board. Right? They can charge whatever they  
11 want whenever it comes across the gate, but if it gets  
12 culled out at the side to be used as cover material, which  
13 if I remember right we have an issue in Solano County  
14 landfill that's short about 5 million cubic yards of cover  
15 material, I don't know why they would bury that stuff.  
16 And I don't think that was your rationale that put that  
17 there, so that's why I'm not going nuts. But just for the  
18 record, you know, I mean -- I don't use the English  
19 language as well as everybody else, so I can only term  
20 this as somebody's playing a game, and it's not you guys,  
21 and that makes me nuts.

22                   MS. MC CARTHY: And I just want to say, I  
23 think we really understand. I think the staffs of our  
24 cities really understand where you're coming from and I  
25 think we agree. The issue is really we were advised this

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1 is something that we should count, and if we didn't count



2 it, we would be foolish in the sense that these are the  
3 rules that are laid out by the State and we're trying to  
4 follow the rules about what should count and what  
5 shouldn't. And I completely agree the programs are  
6 important and that's where our focus should be.

7                   BOARD MEMBER JONES: We've used -- I don't  
8 want to speak for the Board that's going to be in place  
9 when this thing comes up in the year 2000, but if this  
10 Board remains consistent in what we've been doing, we're  
11 looking at the numbers as an indicator of the programs in  
12 good faith. So whoever was advising you to use dirt, tell  
13 them that may not work if, you know, I'm sitting here and  
14 some of my colleagues are still sitting here, but I think  
15 to move this thing forward -- and you worked in good faith  
16 with our staff and that's all that can be asked, but some  
17 people that are advising you are probably trying to get  
18 away -- you know, probably not doing you the best on some  
19 of these issues.

20                   MS. MC CARTHY: And just to answer your  
21 question on the tallow. That's something also that came  
22 up with -- it's in the Board's new generation study guide  
23 of what you should count. That's one of the things that  
24 the board staff -- it says in the guide that we should go  
25 out and count is tallow. I agree that's something that's

1 always happened, but that's one of the items listed is go  
2 out there and count it, so that's why we included it.

3 BOARD MEMBER JONES: Right. You add it to  
4 generation and take it as diversion. All my issue was is  
5 no tallow, none of that material could ever be delivered  
6 to a landfill because it would be against health and  
7 safety laws. So anybody that said they got it, broke the  
8 law. So, you know.

9 CHAIRMAN EATON: Any other questions of  
10 Ms. McCarthy? Thank you.

11 MS. MC CARTHY: Thank you.

12 BOARD MEMBER JONES: Mr. Chairman.

13 CHAIRMAN EATON: Mr. Jones.

14 BOARD MEMBER JONES: I don't know if I know  
15 how to read it. This is always the fun type of  
16 resolutions when we're accepting a base year change, so if  
17 I don't -- I'm hoping that this is the right -- this is  
18 one of those multiple choice resolutions. Is the title --  
19 I want to move Resolution 1999-637, consideration of staff  
20 recommendation to change the base year to 1998 for the  
21 previously approved Source Reduction and Recycling  
22 Element.

23 BOARD MEMBER PENNINGTON: I'll second.

24 CHAIRMAN EATON: All right. And multiple  
25 choice?

1                   BOARD MEMBER JONES: I'm not sure what part  
2 of the multiple choice is --

3                   CHAIRMAN EATON: What's being asked here is  
4 to change the base year if I'm not mistaken.

5                   BOARD MEMBER JONES: Right.

6                   CHAIRMAN EATON: Mr. Schiavo, and there  
7 will be no compliance order?

8                   MR. SCHIAVO: No compliance order.

9                   CHAIRMAN EATON: So, Mr. Jones --

10                  BOARD MEMBER PENNINGTON: You want me to  
11 read that to you? Approves the requested base year  
12 change.

13                  BOARD MEMBER JONES: Okay. Thanks. Okay.  
14 Adoption of 1999-637 with the appropriate findings to  
15 indicate that the Board approves the requested base year  
16 change to 1998, accepts the staff finding that the  
17 jurisdiction is making progress in implementing the SRRE  
18 and meeting the diversion rate and is not issuing a  
19 compliance order.

20                  CHAIRMAN EATON: Mr. Jones moves and  
21 Mr. Pennington seconds we adopt Resolution 1999-637 with  
22 the appropriate findings as previously announced.

23                  Madam Secretary, please call the roll.

24                  BOARD SECRETARY: Board Members Jones.

25                  BOARD MEMBER JONES: Aye.

1 BOARD SECRETARY: Moulton-Patterson.  
2 BOARD MEMBER MOULTON-PATTERSON: Aye.  
3 BOARD SECRETARY: Pennington.  
4 BOARD MEMBER PENNINGTON: Aye.  
5 BOARD SECRETARY: Roberti.  
6 BOARD MEMBER ROBERTI: Aye.  
7 BOARD SECRETARY: Chairman Eaton.  
8 CHAIRMAN EATON: Aye.  
9 Aye. Okay.  
10 Next item, Mr. Schiavo.  
11 MR. SCHIAVO: Yasmin will also be  
12 presenting this item.  
13 MS. SATTER: Agenda Item Number 18 is  
14 consideration of staff recommendation to change the base  
15 year to 1998 for the previously approved Source Reduction  
16 and Recycling Element, consideration of staff  
17 recommendation on the biennial review findings for the  
18 Source Reduction and Recycling Element for the City of  
19 Vacaville in Solano County.  
20 Staff conducted a biennial review of the  
21 City of Vacaville's Source Reduction and Recycling Element  
22 in accordance with the process described in October 1997  
23 Board approved biennial review process. The City is  
24 implementing a large majority of its Source Reduction and  
25 Recycling Element selected programs.

1                   Board staff has determined that the method  
2   used to calculate the diversion rate has been adequately  
3   documented and is consistent with previous Board standards  
4   for accuracy. This study was conducted in conjunction  
5   with Solano County and therefore utilize the appropriate  
6   allocation method described in previous agenda item for  
7   Solano County.

8                   Staff recommends that the request to change  
9   the base year to 1998 be approved and the biennial review  
10  findings be accepted.

11                  This concludes my presentation. The  
12  representative from the City is here, and if you have any  
13  questions for myself.

14                  CHAIRMAN EATON: Any questions of staff or  
15  Ms. Donovan who's here from the City of Vacaville?

16                  BOARD MEMBER JONES: Mr. Chairman, I think  
17  my comments were heard. They are the same. It's  
18  interesting that this waste stream weighs out to 11 pounds  
19  per person per day, which is only about four and a half  
20  pounds more than the state average. A lot of growth, but  
21  those are hard numbers to dispute when you use them as  
22  indicators.

23                  CHAIRMAN EATON: All right.

24                  BOARD MEMBER PENNINGTON: Mr. Chairman,  
25  I'll move adoption of Resolution 1999-636.

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1 BOARD MEMBER JONES: I'll second it.

2 BOARD MEMBER MOULTON-PATTERSON: Second.

3 CHAIRMAN EATON: Okay. 636 or 686?

4 BOARD MEMBER PENNINGTON: 636.

5 CHAIRMAN EATON: 636. Okay. So I think

6 Mr. Pennington moves --

7 BOARD MEMBER PENNINGTON: Adoption of

8 Resolution 1999-636.

9 CHAIRMAN EATON: Okay.

10 Ms. Moulton-Patterson seconds the adoption

11 of Resolution 1999-636.

12 Without objection, we'll substitute the

13 previous roll call. Hearing no objection, so shall be

14 ordered.

15 Next item I believe is -- 19 and 20 were

16 both on the consent calendar. That gives us Item Number

17 21, which is the consideration of City of Avenal's request

18 for an extension which was sort of related to Item Number

19 16.

20 MR. SCHIAVO: And Diane Shimizu will be

21 making this presentation.

22 MS. SHIMIZU: Good morning, Chairman Eaton

23 and Board Members. I'm Diane Shimizu representing the

24 Office of Local Assistance.

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1 issued a compliance order for deficiencies in program  
2 implementation and failure to meet the requirement of 25  
3 percent diversion of its waste by 1995. As part of the  
4 compliance order, city staff and Office of Local  
5 Assistance staff developed a Local Assistance Plan with  
6 specific due dates for implementing programs in the City's  
7 Source Reduction and Recycling Element. A  
8 pay-as-you-throw program was identified in the program and  
9 the associated pasts and due dates were November 1st for  
10 development of public education materials for the program,  
11 and January 1st, 2000 for implementation of the program  
12 citywide.

13 However, since the creation of the Local  
14 Assistance Plan, the City voted to not renew the contract  
15 of one hauler and to contract with a new hauler. The new  
16 hauler will begin service to the City on January 1st,  
17 2000. The City is requesting an extension to March 30th,  
18 2000 for both tasks associated with the program in order  
19 to work with the City's new hauler in implementing the  
20 program.

21 Staff are recommending approval of this  
22 request. Representatives from the City of Avenal are here  
23 today to address this item. This concludes my part of the

24 presentation. Are there any questions for staff?

25 CHAIRMAN EATON: Is there any questions of

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1 staff or Mr. Watson who is here from the City of Avenal?

2 Mr. Watson, care to --

3 MR. WATSON: Good morning, Mr. Chairman and  
4 Members of the Board.

5 CHAIRMAN EATON: Good morning.

6 MR. WATSON: I'm Jerry Watson, Public Works  
7 Director for the City of Avenal, and I'm also a landfill  
8 operator. You have to excuse me. I've been up since 3:00  
9 this morning trying to get up here.

10 With the help of the Office of Local  
11 Assistance, the City is undertaking to adopt and implement  
12 all the compliance orders that were due this first quarter  
13 with one exception. Since I took over the landfill in the  
14 latter part of 1996, I have seen somewhat of a resistance  
15 of our contractors to work with us. I saw that resistance  
16 when I wasn't taking care of the landfill prior to that  
17 and I also saw it after this.

18 It was a hard decision for us to make, but  
19 it was a decision for us to make at this time because  
20 contracts were up December the 31st. We as staff got  
21 together with our city manager and we decided that in the  
22 best interests of the City and the residents of the City



23 of Avenal was for us to make a move to something different  
24 and to another company, so that is why we are here.

25 With the compliance order to mandate the

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1 pay-as-you-throw education process and also to get this  
2 program underway January 1st, it was impossible for us to  
3 do this with the implementing of the new contract at this  
4 time and the City is requesting that you look at this  
5 seriously for us and allow us to do it with the new  
6 contractor. We're hoping when he comes on board that  
7 we're going to see a lot of new things with the City of  
8 Avenal.

9 We've been working with the California  
10 Department of Corrections. They have had 48 percent of  
11 their waste stream recycled. We are working diligently  
12 with the school districts within the City of Avenal. We  
13 have met three times with the school district. The last  
14 time and the next time we will meet is January the 27th.  
15 The middle school in the City of Avenal has reduced their  
16 waste stream right now by 50 percent. Our green waste  
17 program is completely intact.

18 I would like to commend those people of the  
19 Office of Local Assistance, Diane Shimizu and Heidi  
20 Sanborn. Board Member Pennington, this morning when you  
21 said you were lucky to have a good staff to work with you,

22 my first impression of the Board, never having to come up  
23 here and never having to take care of a landfill, was this  
24 was a state monster. I didn't know what to expect.

25 I commend you with your staff and also

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1 would like to commend Diane and Heidi for helping me, a  
2 rookie, take care of a lot of things I didn't know  
3 anything about until I had to start running a landfill.  
4 Your Office of Local Assistance is to be commended, and  
5 that's exactly what it means, Office of Local Assistance.  
6 I was scared they might come down and just do everything  
7 they could to destroy what I was trying to get going, but  
8 they helped me immensely.

9 We're on the right track. I don't foresee  
10 us faltering whatsoever, and I'm looking forward to the  
11 year 2000 for us to be able to meet our 50 percent and be  
12 able to come back to the Board and tell you I've met my 50  
13 percent and bring back the accolades of the Council and  
14 the citizens of Avenal.

15 CHAIRMAN EATON: Thank you, Mr. Watson, and  
16 thank you for those kind words as well.

17 Members.

18 BOARD MEMBER PENNINGTON: Mr. Chairman,  
19 I'll move adoption of Resolution 1999-614 to approve the  
20 City's request for an extension to the due dates, the

21 pay-as-you-throw program identified in the City's Local  
22 Assistance Plan to be March 31st, 2000.

23 CHAIRMAN EATON: And I'll second the  
24 motion.

25 Mr. Pennington moves and Mr. Eaton seconds

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1 that we adopt Resolution 1999-614 granting the request for  
2 extension for the compliance order.

3 Without objection, substitute the previous  
4 roll call. Hearing no objection, so shall be ordered.

5 All right. Item Number 22, Mr. Schiavo.

6 MR. SCHIAVO: I will be presenting this  
7 item. In 1995, the Board directed staff to survey local  
8 jurisdictions regarding the existing base years that they  
9 essentially completed in 1990 and 1991. Staff came back  
10 and reported to the Board and soon thereafter the Board  
11 directed staff to form a working group with interested  
12 local jurisdictions to come up with potential solutions  
13 for how to deal with the issue of the base year  
14 corrections.

15 In March of 1997, staff presented to the  
16 Board a number of different options and pathways that the  
17 Board could direct jurisdictions in which to correct those  
18 base years. And since March of 1997, there's been  
19 approximately 150 base year corrections that have been

20 presented to the Board through the 1995 and 1996 biennial  
21 review process.

22                   Because we're essentially completed with  
23 the 1995-1996 biennial review process, as well as it's  
24 almost been a full decade, ten years, since these base  
25 years were corrected, staff felt it was appropriate to

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1 bring this issue to the Board at this time. As a result,  
2 staff has developed three options for the Board.

3                   The first of these options is to continue  
4 to allow new base years throughout the history of 939.  
5 The second option is to put an immediate halt to any new  
6 base year corrections being heard by the Board. And  
7 finally, the third option is a little bit in between, to  
8 set a time limit and/or other conditions on future  
9 jurisdictions' corrections based on 1990 base years or  
10 other base year tonnages. Staff is recommending  
11 implementation of option number three, which is more of a  
12 moderate solution to the issue.

13                   Within option number three, there's three  
14 conditions staff is recommending. The first is end the  
15 existing practice of allowing corrections to 1990 through  
16 1996 base years as of March 31st of 2000, and unless  
17 they're on Board-issued compliance orders. The next  
18 portion of that condition would be to not allow

19 corrections to any more approved base years that are more  
20 than four years old on a calendar year basis; and finally  
21 continue to approve new generation studies or corrections  
22 to reporting year data which revolves around the disposal  
23 reporting process.

24 That concludes staff's presentation.

25 CHAIRMAN EATON: Okay. Just for the

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1 record, I think that we were handed two letters that we  
2 should probably report, one from the City of Hemet, I  
3 think each of the Board Members have received it on this  
4 item, as well as from the City of Victorville. No, that's  
5 a different item, but it's Item Number 33, not 22.

6 Any questions of Mr. Schiavo? We have a  
7 number of individuals who would like to speak on this.

8 BOARD MEMBER ROBERTI: Mr. Chairman.

9 CHAIRMAN EATON: Senator Roberti.

10 BOARD MEMBER ROBERTI: I know the  
11 prevailing wisdom is that it's more costly to measure  
12 everything every year, but my own thought is with all  
13 these requests to come in for change and the complications  
14 and the accounting problems many jurisdictions seem to  
15 have, it would just strike me that maybe it's just easier  
16 in the long run and less costly in terms of the amount of  
17 people you have to have on board to measure diversion and

18 disposal every year rather than what we do. Then we  
19 wouldn't have to worry about all these base years.

20                   Maybe I'm living on another planet or  
21 something, but it would just seem to make more sense. As  
22 soon as we start extrapolating what the base year is on  
23 subsequent years, we're starting to deal in this art form  
24 rather than a real scientific study of what diversion and  
25 disposal there really is. So I would hope that maybe

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1 staff would kind of consider that, too, and maybe come up  
2 with some numbers as to what costs there are. But in my  
3 one year of being on the Board, I kind of think that the  
4 long range costs for jurisdictions just trying to hire  
5 consultants to get them out of jams because we have  
6 imperfect numbers in the long run probably are more  
7 costly, certainly more costly in terms of stress and  
8 public relations, maybe even finances, than just measuring  
9 diversion and disposal every year. Nice, clean and  
10 simple, and everyone would understand what's happening  
11 including the Board. I'm just offering that.

12                   MR. SCHIAVO: Currently a lot of  
13 jurisdictions --

14                   CHAIRMAN EATON: Just so I'm clear, you  
15 don't want any extensions, no base year corrections.

16                   BOARD MEMBER ROBERTI: I'm offering that as

17 a suggestion.

18 CHAIRMAN EATON: I'm just trying to --

19 BOARD MEMBER ROBERTI: Why don't --

20 CHAIRMAN EATON: Because I think --

21 BOARD MEMBER ROBERTI: I guess I would like  
22 on the recommendation some discussion of why don't we just  
23 every year measure the diversion and disposal instead of  
24 trying to speculate as to what it is, which ends up being  
25 more costly -- having different costs than what we would

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1 anticipate in terms of consultings and attorneys and a  
2 whole periphery of things that don't go into the direct  
3 count. Maybe -- I just kind of -- and we would understand  
4 it better, too, and the public would understand it better  
5 as well.

6 CHAIRMAN EATON: Mr. Schiavo.

7 MR. SCHIAVO: I was just going to mention  
8 existing law allows for new generation studies each year  
9 but also allows for the use of the adjustment factors each  
10 year, and the thought is if there's a new base year, if  
11 you apply the adjustment factors to more current, accurate  
12 data, then typically the adjustment factors should work  
13 for a short period of time. I'm not sure if we have the  
14 authority to require people to do new generation studies.

15 MR. BLOCK: Elliott Block with the Legal

16 Office. Not to comment one way or the other on the idea,  
17 that was the original version of AB 939. That's why the  
18 base years were counted with generation and disposal,  
19 coming up with one number. And AB 2494 changed that in  
20 1992, to change the disposal reporting method. A variety  
21 of reasons, a lot of discussion went on over which method  
22 was right or not right, but when Pat is talking about the  
23 current law, that's what in place right now in terms of  
24 disposal reporting. So if you want to change the way in  
25 which all the jurisdictions --

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1 BOARD MEMBER ROBERTI: Are you saying we  
2 would need legislation?

3 MR. BLOCK: Excuse me?

4 BOARD MEMBER ROBERTI: Are you saying we  
5 would need legislation?

6 MR. BLOCK: Yes, if you wanted to change  
7 the method that everybody was counting. If what you're  
8 saying was, and just let me ask, was just in the context  
9 of folks that want to do corrections, that we were just  
10 simply saying as a factual matter to determine the most  
11 accurate way to do corrections would just be by  
12 generation. That's something that you could look into  
13 doing.

14 BOARD MEMBER ROBERTI: I don't think the



15 law, for what you tell me and thank you for elucidating  
16 for me, but I don't think the law contemplated necessarily  
17 corrections, hence -- and corrections add one more  
18 difficulty, and that is trying to figure out what took  
19 place in a prior year. So my own thought is right now,  
20 and I can be -- I'm just thinking off the top of my head,  
21 there may be factors I haven't thought about. When  
22 somebody wants a correction, why don't we do -- say do a  
23 whole waste generation study? I certainly would  
24 understand it better and I'm smart enough, and I think the  
25 world would understand it better as to what we're talking

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1 about.

2 I think there are costs that are hard for  
3 us to calculate, that we haven't factored in with all  
4 these new studies, so I'm offering that to the Board and  
5 to staff, that instead of new studies, sort of new  
6 piecemeal studies, certainly new corrections, that we just  
7 have a whole new waste generation.

8 BOARD MEMBER JONES: So -- Mr. Chairman. I  
9 think I understand what Senator Roberti is saying. So if  
10 somebody were to come forward, we just did Solano. It was  
11 a '97 base year adjustment, so it was newer information.  
12 So if somebody was to come in and wanted to do a base  
13 year, staff would be directed to say that's fine, but it's

14 going to be for this year or last year; right?

15 BOARD MEMBER ROBERTI: Yeah, whatever --

16 BOARD MEMBER JONES: So if it was last  
17 year, they would have enough data they could do it as  
18 opposed to going back. I wholeheartedly support that  
19 because the preamble to AB 939, which you were  
20 instrumental in, says that the people in the state of  
21 California were recycling 9 percent of the waste stream  
22 and disposing of 91 percent. Today, because of base year  
23 adjustments that have gone back to 1990 which didn't start  
24 until 1995 or 1996, and you have to believe when somebody  
25 is doing a base year correction back to 1990, they're

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1 using what they have learned since that data now and the  
2 experiences they've gained and the programs they've put in  
3 to change the base year, and as of now we're at 17  
4 percent.

5 I don't think you or the legislature,  
6 either body of legislature or the Governor, would have  
7 wanted to allocate the billions of dollars that have been  
8 spent to get 8 percent recovery. So I think it goes to  
9 the heart of what we're doing. If a jurisdiction is going  
10 to come forward, that we get data that is reasonable for a  
11 year, one year removed or something like that.

12 BOARD MEMBER ROBERTI: Absolutely.

13                   BOARD MEMBER JONES: What I am very, very  
14 nervous about and have spent some time dealing with staff  
15 on is this new quantification of source reduction absent  
16 programs. Let's count what we don't generate or didn't  
17 generate so we don't have to do curbside programs or build  
18 MRFs or do anything like that. We have jurisdictions that  
19 we have to be careful about that are reaching a mandate  
20 because they've source reduced. And remember, that's  
21 trying to quantify something that doesn't exist. That's  
22 why the legislature went to a disposal-based from a  
23 diversion-based, and while source reduction obviously is a  
24 huge -- means that our programs are working, they don't  
25 account for 50 percent of the waste stream, or if they do,

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1 I want to see it because I've never seen it.

2                   CHAIRMAN EATON: Ms. Moulton-Patterson.

3                   BOARD MEMBER MOULTON-PATTERSON: I would  
4 just like to comment on Senator Roberti's comments and  
5 also Mr. Jones. I probably haven't been here long enough  
6 to fully understand it, but I really am concerned, you  
7 know, that a lot of these cities have to go out and spend  
8 out this money on consultants, and just for example, in my  
9 visit to Camarillo, I think this is a city that really  
10 took it seriously, they've got a lot of fine programs, but  
11 because of numerous things have happened and they're

12 really upset that their numbers are going down and they're  
13 hiring someone to refigure. And as I say, I probably  
14 don't understand all the ins and outs of it, but I don't  
15 think that's what was intended.

16 I would be real interested in -- I don't  
17 know what the answer is, but perhaps just saying instead  
18 of the base year adjustments, almost starting over.

19 CHAIRMAN EATON: That's been the whole  
20 thing, a push for the Board really I think for about the  
21 last 14 months, is to move them into the waste  
22 characterization and waste generation, although it's been  
23 sometimes with a lot of struggle, I think, to get them to  
24 that point. They seem to be more fixated on some of the  
25 consultants in some cases, but we've all tried to push

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1 them because that is the most accurate data that will  
2 solve all the problems of was there a low rainfall or high  
3 rainfall or whatever there may have been.

4 So I guess for purposes of what we have  
5 before us, if I'm hearing right -- I'm not trying to  
6 mischaracterize -- that the Board would like to not have  
7 any additional corrections, but then where do we move  
8 next? There's a second step here -- so if that's what I'm  
9 hearing. So what we have the ability to do is cut it off  
10 at least under the option immediately, which is number

11 one. Is that correct, Mr. Schiavo? A four-year-old or  
12 number three, but what I'm trying to get at is what do we  
13 do there and then go back next month with another item  
14 moving in -- I don't have a problem doing it, but what's  
15 that next step? Once we cut it off and push them in  
16 another one, we've got to give --

17 BOARD MEMBER ROBERTI: I guess I would like  
18 staff, Mr. Chairman, to come back one more time to sort of  
19 give us a cost analysis, if it's at all possible, as to  
20 what costs are involved with this convoluted method we use  
21 right now when we have a correction, trying to adjust the  
22 base year; or number two, what the costs are for a new  
23 base year disposal-only study and what the costs would be  
24 for a waste generation study on corrections.

25 It's not just a question of costs, fiscal

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1 costs, but the issue as well is -- I don't know how to put  
2 a comprehensibility of the whole program. The more  
3 complex -- so I guess I would like to hear from staff one  
4 more time. The more complex -- my own thought is the more  
5 complex something is, we have all kinds of hidden problems  
6 that occur. Because our diversion study -- our disposal  
7 studies and waste generation quantifications are so  
8 complicated, it has caused a number of jurisdictions, just  
9 to get this monkey off their back it is so complicated,

10 and so as we all know, now as Member Moulton-Patterson  
11 just addressed, they have to hire consultants and God  
12 knows what else.

13                   Then the other thing they do is they become  
14 very, very, concerned. They want simplification. They  
15 want simplification so they can understand they're not  
16 falling afoul of the law. That's more important to them  
17 at times than a marginal difference in money. So what do  
18 they do? They have franchise agreements because the  
19 franchisor tells them that hey, we can make this all  
20 simple and we can get the pain off, we can remove this  
21 mental pain that you have in trying to comply.

22                   So what happens is the one major error of  
23 939, great piece of legislation that it is, but the one  
24 major error in my mind is that we have somehow created a  
25 situation where if you have fewer haulers today than we

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1 had when the bill was originally passed because of the  
2 complexities involved; and because of the complexities  
3 involved, we're making the world safe for mega business,  
4 and in the long run that's not going to make the world  
5 safe for consumers and jurisdictions who only have to deal  
6 with one or two or three monopolies, I guess that's three  
7 tertiary monopolies, whatever you want to call them,  
8 because we're driving small business out because in a

9 whole host of areas, not just hauling, because it's so  
10 complex and the city is saying let's make it simple for  
11 ourselves. That's another factor. I don't know how we  
12 factor the cost in on that.

13                   So I guess my thought is I would like you  
14 to come back, tell us what all these hidden costs are in  
15 what I said are the three methods that are possible and we  
16 make a policy judgment from them, but I myself will  
17 certainly, until that point, like to have a moratorium on  
18 further adjustments or further requests for changes in the  
19 base year because if we merrily go along our way, we're  
20 going to have one hauler, one landfill company to deal  
21 with because the complexity will have ruled, and then the  
22 jurisdictions, as well as the State Board, are going to  
23 have something really to complain about because they'll  
24 fix the prices.

25                   CHAIRMAN EATON: I couldn't agree more.

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1 That's what we did back in May to try to prevent some of  
2 this going on.

3                   BOARD MEMBER ROBERTI: Right.

4                   CHAIRMAN EATON: What we --

5                   BOARD MEMBER ROBERTI: I'm not criticizing.

6                   CHAIRMAN EATON: No. That's what we were  
7 trying to do.

8 BOARD MEMBER ROBERTI: Right.

9 CHAIRMAN EATON: -- and what we did with  
10 the last 60 or 70, was to try to get some of it. If you  
11 would also look at -- I would like some history in there,  
12 too, because the very same people who now are talking  
13 about it well, maybe we want a different thing. We're the  
14 ones who recommended it to the Board, that the Board  
15 adopted long before you and I came here, that the working  
16 group that was put together in what -- 1997, this was  
17 their program. This was not the Board's program.

18 So it would be enlightening to see that  
19 history at least for some of us who haven't been part of  
20 that action because that working group was the one who  
21 recommended these complicated and complex road maps, and  
22 it was all from the various jurisdictions, if I'm not  
23 mistaken, that made up that working group. And I think  
24 there was some industry people as well, maybe, in there.

25 That would be helpful, but if you want to

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1 put a moratorium on base year adjustments, I'm ready to go  
2 right now.

3 BOARD MEMBER JONES: Mr. Chairman.

4 BOARD MEMBER ROBERTI: I am, frankly.

5 BOARD MEMBER JONES: Mr. Chairman.

6 CHAIRMAN EATON: Mr. Jones.



7                   BOARD MEMBER JONES: Just a couple of  
8 things. I don't have a problem putting a moratorium but  
9 there's some people that have spent a lot of time and  
10 effort and have some in the pipe.

11                   BOARD MEMBER ROBERTI: Fair enough.

12                   BOARD MEMBER JONES: That would probably be  
13 unfair to them to not let them go forward.

14                   The other thing is I think there is --  
15 believe me, I am sympathetic to the idea of large  
16 companies dominating anything, but I think under AB 939,  
17 some of the cries that you hear about small businesses  
18 being put out of business because of AB 939, I will tell  
19 you that I ran a company that was pretty reasonably large.  
20 It was the fourth largest in the world at the time. A lot  
21 of those companies sold because of things like Subtitle D.  
22 They didn't want to deal with a lot of those types of  
23 regulations and they were going to make money.

24                   BOARD MEMBER ROBERTI: And they made a lot  
25 of money.

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1                   BOARD MEMBER JONES: And they made money.  
2 The other issue that came down was -- and I've talked to  
3 GLASMA people about it, things like that, that what this  
4 law allowed cities and counties to do was get a better  
5 handle on their waste streams, not be dependent on

6 haulers. There were jurisdictions that didn't know how  
7 much landfill capacity they had available to them. They  
8 didn't know where the material was even going. They  
9 didn't know an awful lot of things that dealt with the  
10 day-to-day. That's why we have the NDFEs. Tell us what  
11 in your jurisdiction comprises the integrated waste  
12 management system, the infrastructure, those types of  
13 things.

14                   But the other issue is that the guy that's  
15 got one truck or two trucks that doesn't recycle, in my  
16 view, is not part of the solution. The key to growth in  
17 our industry was finding out what the customer needed and  
18 providing that service, and the law of AB 939 -- I had --  
19 I had a lot of managers when that law got passed and half  
20 of them felt that it was an intrusion and probably going  
21 to ruin our business. The other half felt there was  
22 opportunities to provide service to cities and counties,  
23 and we got everybody on board to make them try to  
24 understand that our job was to provide service.

25                   So while there are casualties -- and the

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1 one thing we can never do is get in a position where one  
2 or two companies can be responsive to the needs because  
3 I'll stand with you and fight that one all day long --  
4 we've got to understand that what this law did, I think,

5 is change the way we live our lives, and it was a positive  
6 change. There were some casualties along the way. Some  
7 wanted to be, some didn't want to be. Some that have  
8 built the infrastructure, provided that infrastructure to  
9 make it work, aren't necessarily the big guys. They may  
10 be the big guys in that neighborhood, but they've been in  
11 that neighborhood serving those needs for 40, 50, 60  
12 years. They just changed to be able to meet those needs.

13 I don't want to see us go -- I would prefer  
14 that we don't go so far as to analyze the cost of every  
15 program and this and that because that's a local issue,  
16 but I think that trying to understand -- and I think staff  
17 can do this pretty easily. This isn't brain surgery. If  
18 you've got a waste stream that so much goes to the  
19 landfill, so much gets done in programs, you can make a  
20 determination through audits or whatever of how much is  
21 really source reduced and that should be the end of it.

22 Unfortunately, there was a lot of  
23 consultants that didn't know a whole lot about anything  
24 that sold that expertise to cities and counties in 1990 to  
25 put together waste generation studies. And I've said it

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1 from this dais before. I'm not going to change what I'm  
2 saying. Some of them were dumber than a box of rocks,  
3 didn't understand what they were doing, and consequently

4 cities are put into a position now where they're not in  
5 compliance.

6                   That's why I think the action of this Board  
7 to look at numbers as indicators and programs is really  
8 the heart and soul of AB 939, is consistent with what the  
9 legislature and the Governor at that time wanted to do, I  
10 think. And hopefully we can minimize the costs, but I  
11 don't want to throw the baby out with the bath water.

12                   BOARD MEMBER ROBERTI: I agree with you,  
13 Member Jones. I don't want to do that either. To the  
14 extent you have even a small hauler who doesn't want to  
15 recycle, the world is better off that they are out of  
16 business. It's too bad the world is better off they're  
17 out of business. But to the extent that somebody is out  
18 business because a city decided to engage in a franchise,  
19 because somebody sold them a bill of goods that they can  
20 work some magic and figure out what the diversion rate was  
21 three years ago or four years ago --

22                   BOARD MEMBER JONES: Right.

23                   BOARD MEMBER ROBERTI: -- that's -- I  
24 wonder if you can figure it out for two years ago.

25                   BOARD MEMBER JONES: Right.

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1                   BOARD MEMBER ROBERTI: That's really a  
2 shame. My own guesstimate, my own guesstimate, is that

3 more of the small people who deal in the things that we  
4 regulate are out because of the franchising than are out  
5 because they just refused to adapt. Now, whatever the  
6 reason is, we know there's both categories involved, and  
7 if it's the refuse to adapt, good riddens; if it's that  
8 the city was sold a bill of goods, then I think it's a  
9 problem that we have to try to amend and I think the Board  
10 has been moving in that direction.

11 I'm just suggesting, now that I've been  
12 thinking about it, maybe a moratorium with the  
13 consideration that you raised that there's people in the  
14 pipeline right now.

15 CHAIRMAN EATON: Mr. Schiavo, so I'm clear,  
16 what you're proposing, isn't it one and the same thing?

17 MR. SCHIAVO: Exactly.

18 CHAIRMAN EATON: That's one of the three  
19 recommendations here. The question is, I think, I'm not  
20 saying about the second part, but moving there, but at  
21 least with regard to -- I don't want to put words in your  
22 mouth, so if you want to explain it, but I thought when it  
23 was explained to me in my briefing this was a place to  
24 draw the line so that no more would take place. The  
25 question is where do we as a Board want to draw the line

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1 so there would be no more of these studies.

2 MR. SCHIAVO: And rather than --

3 CHAIRMAN EATON: Maybe I'm mistaken.

4 That's what it says to me.

5 MR. SCHIAVO: Yeah. We're promoting new  
6 generation studies, or that's the suggestion, and rather  
7 than a sheer cutoff point or moratorium, there's --

8 BOARD MEMBER ROBERTI: Mr. Chairman, I  
9 understand what you're saying. I'm going to be a little  
10 testy here and please excuse me. The reason why we have  
11 public meetings is that we arrive at a conclusion based on  
12 all of us reasoning in the public and I frankly didn't  
13 come to that conclusion until we've been talking about it  
14 and I've moved there. This Board cannot be a board where  
15 we're served Pablum by the staff and then say "aye" or  
16 "no" based on what they have told us. And I know that's  
17 not what the intent was, but I don't like that and I don't  
18 like it when the staff gets testy because I haven't said  
19 "aye" and where's our marching orders.

20 This is how we arrive at a decision in  
21 public where we're sort of all mixing our own brain power  
22 together and maybe we arrive at a position that the staff  
23 has suggested as one of their three. And I say it is one  
24 of their three, it's not their only suggestion. So I do  
25 understand that and I don't want to be critical of

1 anybody, but that's how we arrive at decisions. If all we  
2 do is say yes sir, no sir, ahead of time based on what's  
3 been given us, then we might as well fold the show up.

4 CHAIRMAN EATON: I don't think that's been  
5 the case, quite frankly. I think what we're trying to  
6 do --

7 BOARD MEMBER ROBERTI: I didn't say it was  
8 the case, but I think it was suggested.

9 CHAIRMAN EATON: What we're trying to do is  
10 frame the issue as to what the issue is. If the issue is  
11 a moratorium, then does that fit or coincide with what the  
12 staff recommended or is it different based upon our  
13 discussion. And that's what I'm trying to reconcile, are  
14 we on two different planes here or is it the same track.  
15 I can't tell you that based on the discussion, but we do  
16 have a series of public comments.

17 What I'm trying to figure out is is that  
18 what staff was trying to say based upon our conversations,  
19 or are we trying to propose something different based upon  
20 our own dialogue? I haven't reached that conclusion and  
21 I'm trying to seek clarity from the fellow Board Members  
22 or the staff because I'm not sure. So that's what I'm  
23 looking for. So if you can answer it or Mr. Schiavo or  
24 any of the other Board Members, help me.

25 BOARD MEMBER ROBERTI: If I could answer

1 it, I wouldn't have had the question.

2 CHAIRMAN EATON: But we do have three

3 others.

4 Ms. Moulton-Patterson.

5 BOARD MEMBER MOULTON-PATTERSON: Chairman

6 Eaton, I'm not going to try to answer it, but I did like

7 the suggestion way at the beginning about what all the

8 costs are, you know, as far as the change or letting them

9 do it -- what was said? Every year, or not every year but

10 from this point. That would be helpful to me, and so if

11 kicking it over to January, would that cause -- would that

12 be a big problem?

13 MR. SCHIAVO: No. We could go ahead and

14 make the attempt. We most likely might not be able to get

15 the item itself into the packet. It would be delayed to

16 give you a hard copy, but it wouldn't be in the --

17 BOARD MEMBER MOULTON-PATTERSON: And it's

18 probably because I haven't been here long enough to

19 understand it, but I really am concerned about the

20 money --

21 MR. SCHIAVO: Sure.

22 BOARD MEMBER MOULTON-PATTERSON: -- that

23 these -- and I'm probably simplifying it, but these --

24 some of these cities are so frantic, they'll sign up with

25 anyone just to get it straightened out.



1 MR. SCHIAVO: Sure.

2 BOARD MEMBER MOULTON-PATTERSON: And I  
3 don't think that's right.

4 MR. SCHIAVO: What we've found to date --  
5 we just completed a workshop process with about 400  
6 jurisdictional representatives at four different workshops  
7 throughout the state regarding methodologies for how to  
8 capture diversion. It was very well-received. And in  
9 testing the methodology and in hearing some of the  
10 jurisdictions' experiences -- and this number can vary --  
11 but we've been finding that it's costing for an average  
12 size jurisdiction about \$40,000 for a new generation study  
13 to fix -- Again, based upon --

14 BOARD MEMBER MOULTON-PATTERSON: I didn't  
15 know that, so I guess that's what would be interesting to  
16 me.

17 MR. SCHIAVO: I'll just generalize the next  
18 statement, is to fix a base year and just based on our  
19 experience in seeing them come to us and talking and  
20 having conversations, that can vary quite a bit depending  
21 on what the fix is, depending on the methodology and the  
22 rates by the consultants. In some cases we've seen where  
23 most likely it would be much less expensive to just do a  
24 new generation study. In other cases the fix is one  
25 that's very inexpensive. Just off the top of my head that

1 one again is pretty wide variation depending on who the  
2 consultant is and the methodology.

3 BOARD MEMBER MOULTON-PATTERSON: What I'm  
4 relying on is a very limited time, but some cities are so  
5 sincere about it and they are willing to do this and they  
6 want -- but they have the programs, where there's other  
7 cities that hey, let's just do this so our problem will go  
8 away. And I don't know how all that's figured out, but  
9 I'd be interested in seeing some of that.

10 CHAIRMAN EATON: I'm just trying to figure  
11 out what it is you're looking for, what you're looking  
12 for. I need some --

13 BOARD MEMBER ROBERTI: I'm looking for --

14 CHAIRMAN EATON: Moratorium?

15 BOARD MEMBER ROBERTI: I'm looking for a  
16 moratorium with the proviso of those requests that are in  
17 the pipeline -- and then at what stage, we have to give  
18 that a little thought -- I guess those requests that are  
19 before the Board or before staff at this juncture be  
20 considered on roughly the same bases that they have in the  
21 past, so we make a decision one-by-one.

22 So for anything new coming in where the  
23 Board hasn't been noticed that we put a moratorium on  
24 pending a review as to whether we should have any more  
25 changes other than a full waste generation study for the

1 year or the year before requested. That's what I'm  
2 looking for.

3 CHAIRMAN EATON: And what I'm trying to do  
4 is reconcile what was the staff recommending to us. Was  
5 that what staff was recommending to us or not? And not  
6 because of what staff has, but it seems to be that's  
7 what's there because that was part of the whole original  
8 discussion over the last six months, not because of taking  
9 staff's recommendation, but really if you read number  
10 three, continue to approve changes in the measurement base  
11 year to more recent calendar years supported by new  
12 generation studies. Isn't that what you just said?

13 BOARD MEMBER JONES: So moratorium on going  
14 back to 1990? I don't have a problem with that.

15 CHAIRMAN EATON: I understand what you're  
16 trying to get at. Was that what you were trying to do?

17 BOARD MEMBER ROBERTI: Yes.

18 CHAIRMAN EATON: Not the Senator. I was  
19 asking what the staff recommendation is because I think --  
20 I don't know. I think it looks like the same book and the  
21 same page, I think you're just saying it in different  
22 words. That's what it seems like to me, but --

23 MS. TOBIAS: Could -- Mr. Chairman.

24 CHAIRMAN EATON: But it would be on  
25 attachment one, Agenda Item 22 in the resolution,

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1 that's -- I think you're saying the same thing.

2 MR. SCHIAVO: We fixed the date --

3 CHAIRMAN EATON: If you're not, I want to  
4 figure out --

5 MS. FISH: Mr. Chairman.

6 CHAIRMAN EATON: Yes.

7 MS. FISH: So the understanding would be  
8 that ones that are already in to be approved would move  
9 forward, then possibly in February -- looking at the  
10 January calendar, I think titles and items are due next  
11 week. So in order to give staff time to prepare what the  
12 Senator is looking for relative to cost, that that could  
13 come forward in February.

14 CHAIRMAN EATON: I think -- don't put too  
15 many ingredients in the soup yet. Let's just try and get  
16 to the basic stock, and the basic stock is that with  
17 everyone recommending a moratorium or to prevent future  
18 base year changes. I heard the Senator say that was his  
19 intent, now --

20 BOARD MEMBER ROBERTI: Now, they have  
21 number two here that says in the future not allow  
22 corrections to any Board-approved base year disposal or  
23 diversion tonnage amount that is more than four years old.  
24 That's kind of generous.

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1 recommendation. I'm trying to get what is the basic  
2 impetus for the agenda item to stop the base years because  
3 I think that's where our conversation is and that's where  
4 we are. How do we decide as a Board in public discussion  
5 to cook that and put the stock in is really the case. I'm  
6 not saying take theirs, but the whole intent of the item,  
7 I believe, was to do exactly as you had stated earlier,  
8 and that's why the staff brought it forward, was to draw  
9 the line so there were no more.

10 The question is under what conditions would  
11 we impose that. Then the second part of that would be the  
12 costs so that we had time to explore the cost elements and  
13 some of the other kinds of things. I guess that's what I  
14 was reading the agenda item as and that's all. So that's  
15 why I kept referring back to staff because that's what I  
16 thought staff told us, that they didn't want more of these  
17 base generation studies -- excuse me. I'm getting  
18 crazy -- correct base year inaccuracies without waste  
19 generation studies, I thought, but that's what the plain  
20 English says to me.

21 BOARD MEMBER JONES: Mr. Chairman.

22 CHAIRMAN EATON: Mr. Jones.

23 BOARD MEMBER JONES: If -- and I think I

24 understand what the Senator is saying. I think we're  
25 saying the same thing, I think. I don't know.

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1 CHAIRMAN EATON: That's what I'm trying to  
2 find out so then we could move forward.

3 BOARD MEMBER JONES: That we don't -- how  
4 about if we -- maybe we need to hear from a couple of the  
5 consultants in the neighborhood out there to see if this  
6 makes sense, but it would make sense to me if you look at  
7 the first recommendation under the "now, therefore, be it  
8 resolved," that the existing practice of allowing  
9 corrections to the year '90 through '96 with the exception  
10 of jurisdictions that have submitted this morning  
11 documentation for the base year corrections before March  
12 of next year, that would stop those. We're going to end  
13 that practice. So I think that's the moratorium part.

14 I would think that we should tighten up the  
15 second recommendation and say something like two years or  
16 three years because we need more current information, and  
17 I don't think that would bother many of the local  
18 jurisdictions because they should have that information  
19 available to them, two- or three-year-old information.

20 Then I think the cost thing needs to be  
21 another agenda item because this at least lets people know  
22 that the process has been stopped and that now you do

23 this, and then I think it's good that -- like the Senator  
24 wants to do, talk about the cost issues and stuff like  
25 that. I think that's appropriate for another one, but I'm

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1 not sure that it's that we have to have it. I don't think  
2 we have to have it for this one, but --

3 CHAIRMAN EATON: Senator, I think you had a  
4 comment.

5 BOARD MEMBER ROBERTI: I didn't want to  
6 intimate that we need a cost study for this resolution,  
7 but I think now that we're discussing it as part of our  
8 further implementation of waste generation studies for the  
9 year 2000 at the quickest possible date, I would like  
10 staff to come back with a cost analysis for us. It is not  
11 necessary for this resolution.

12 I agree that number two has to be tightened  
13 up. That doesn't deal with a moratorium, but it does deal  
14 with the whole point that we're trying to get at, and that  
15 is a change, if it's allowed, four years -- we're not  
16 talking about anything. We're talking about some silly  
17 game --

18 BOARD MEMBER JONES: Right.

19 BOARD MEMBER ROBERTI: -- that really won't  
20 amount to anything and they'll be back with another  
21 request for another diversion waste generation study.

22                   On number one, I grant it doesn't  
23 specifically say moratorium but I agree that's what it  
24 means, except March 31st, 2000 is a little bit too much  
25 time for them because if they know we're going to change

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1 our methodology, there are going to be a lot of busy  
2 jurisdictions for the next three and a half months in  
3 thinking this is beneficial for them to have a waste -- to  
4 have a partial study rather than a full waste generation  
5 study. So for some reason the problem jurisdictions will  
6 be trying to rush -- the problem consultants will be  
7 trying to rush the problem jurisdictions into coming up  
8 with something quickly. So telling them the Board is  
9 going to do something horrendous to them when the Board is  
10 changing some methodology, I suspect this is how they made  
11 some business in the past. So I would tighten that date  
12 up. Staff can probably help us to what's feasible. I  
13 don't see any problem with the end of this year myself,  
14 but maybe that's impossibly short. I don't know.

15                   BOARD MEMBER JONES: That are in the pipe  
16 by the end of this year, Senator?

17                   BOARD MEMBER ROBERTI: Yeah.

18                   BOARD MEMBER JONES: So we would hear them  
19 January, February.

20                   BOARD MEMBER ROBERTI: The March 31st, 2000



21 date I would say we make December 31st, 1999.

22 BOARD MEMBER JONES: To have it in the pipe.

23 BOARD MEMBER ROBERTI: I'm not totally

24 conversant with the notice rules, but I would suspect

25 January, February. Yeah.

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1 BOARD MEMBER MOULTON-PATTERSON: Just a  
2 clarification. I hate to keep using poor Camarillo, but  
3 since I was just down there, they said they had just  
4 signed a contract. Does that mean they're in the  
5 pipeline?

6 MR. SCHIAVO: No. They wouldn't be under  
7 these current conditions.

8 BOARD MEMBER MOULTON-PATTERSON: I hate to  
9 change the rules in midstream. How fast do they get in  
10 the pipeline, then?

11 MR. SCHIAVO: That's --

12 BOARD MEMBER MOULTON-PATTERSON: If they've  
13 spent money, I'm looking at it as a realistic financial  
14 thing.

15 MR. SCHIAVO: Pipeline can be defined in a  
16 lot of different ways depending on where you want to go.  
17 We're thinking this out as well because it can be very  
18 squishy, and so that's why -- that was the reason we  
19 defined March 31st knowing that the pipeline can be having

20 a conversation with board staff, pipeline can be submittal  
21 of draft documents. So we decided that we would have a  
22 definitive cutoff of March 31st, meaning they had to have  
23 documentation actually into us, otherwise it gets really  
24 tough to manage.

25 BOARD MEMBER MOULTON-PATTERSON: And maybe

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1 they have. I don't know.

2 MR. SCHIAVO: If they just -- well, yeah.

3 It varies.

4 BOARD MEMBER MOULTON-PATTERSON: Do you see  
5 my point?

6 CHAIRMAN EATON: That's the whole point is  
7 where to draw the line in the sand. Mr. Schiavo, where  
8 was this item -- normally an item like this generates a  
9 lot -- I shouldn't even use the word -- evokes a lot of  
10 commentary. When was this item put on the web, or the web  
11 for the analysis?

12 MR. SCHIAVO: The title was put on the web  
13 but the item itself was not put on the web.

14 BOARD MEMBER ROBERTI: Title?

15 CHAIRMAN EATON: In other words, people  
16 knew there was an item and it was related to -- I don't  
17 know.

18 BOARD MEMBER ROBERTI: It doesn't sound

19 like it's good enough for notice.

20 CHAIRMAN EATON: Was there enough -- the  
21 analysis. So in other words, what was on the web was  
22 "reconsideration of previously approved methods to correct  
23 base year inaccuracies," but there was no analysis what  
24 have we received, which was the whatever it is, three-plus  
25 pages. So if it meets with the Board, I think what I

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1 would like to be able to do is continue this item to  
2 January; but if we can think about over the lunch hour how  
3 we want to frame what we want staff to bring back in  
4 January with the proper notice, and if cost has to be a  
5 factor or some of the other things or just continue the  
6 item until right after lunch without taking any formal  
7 action and give us a chance to talk over the lunch hour.

8 I know we have three individuals who would  
9 like to speak on the matter, if you would like to hear  
10 them before lunch. I'm just worried about the notice  
11 provision.

12 BOARD MEMBER ROBERTI: Notice is very  
13 important.

14 CHAIRMAN EATON: Paramount.

15 BOARD MEMBER ROBERTI: It's paramount. We  
16 cannot overlook that. My own fear, however, is that since  
17 we meet monthly, pretty soon we're going to be -- the

18 March date is going to be operative and it will almost  
19 render any action we're taking moot because as soon as  
20 they know we're taking action, they're going to -- the  
21 jurisdictions, I don't know why they would because I don't  
22 see any benefit to them, but I just suspect one of the  
23 problems people have been told this is a tremendous cost  
24 and tremendous difficulty and get your options in now for  
25 your partial waste generation study because you're going

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1 to lose that chance after such-and-such a date.

2 CHAIRMAN EATON: They're going to load up  
3 and all of a sudden there will be 60 of these at the  
4 window.

5 BOARD MEMBER ROBERTI: Right.

6 MS. TOBIAS: Mr. Chair, it may be that  
7 staff, during the break, would be able to come up with  
8 some more objective types of definitions of what "being in  
9 the pipeline" means. Several good suggestions have been  
10 made on the dais, has there been money spent and is it a  
11 significant amount of money, are there contracts in place  
12 with consultants who are currently working on something.  
13 I can think of probably three to five right now, and that  
14 might be something that instead of using either an end  
15 date, which I tend to agree only means that we'll have all  
16 those applications in on that date, it's something more

17 objective where we can really see that people who have  
18 significantly invested some kind of resources -- staff  
19 time, money, et cetera -- into this effort probably need  
20 to be allowed to continue just on the basis of reliance or  
21 whatever. But I do agree also that if this item goes too  
22 far in advance, all we're going to have is everybody lined  
23 up to do that.

24 I do want to say that just as kind of a  
25 minor education point that in our noticing procedures, it

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1 is the title that actually meets the letter of the law.  
2 It's the title that goes in that tells the public what's  
3 going to be done. It's then the intent of the law where  
4 there's an issue here where the public knows something is  
5 going to happen, but in this case I'm not sure would have  
6 had the opportunity unless they this called, gotten a fax,  
7 either -- whenever this report came out.

8 Thank you.

9 CHAIRMAN EATON: All right. We have three  
10 individuals. We can probably hear from them and shed some  
11 light. Mr. Mike Mohajer, is he here?

12 BOARD MEMBER PENNINGTON: Mr. Chairman,  
13 maybe they would like to wait until they hear what staff  
14 is recommending.

15 CHAIRMAN EATON: I sure would like to hear

16 some initial comments. They can come back and comment  
17 after what staff has, but I sure would like to hear some  
18 initial comments, as well.

19 Mr. Mohajer.

20 And we'll just keep their comments short  
21 and they can reserve their time until after lunch.

22 MR. MOHAJER: Mr. Chairman and Members of  
23 the Board. My name is Mike Mohajer, Los Angeles County  
24 Department of Public Works.

25 I sort of have a mixed emotion about this

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1 whole issue. I did market that I'm opposing it, but it's  
2 for lack of not having the third block of saying what I  
3 would like to say. A few comments that I would like to  
4 say, it is true and I strongly still believe that I used  
5 to call the AB 939, when it was enacted, as a consultant  
6 full-employment act of 1989. I still maintain the same  
7 position. We also believe, or at least I personally  
8 believe, that we still continue to be a pretty wasteful  
9 society and something happened to me a couple nights ago  
10 and that further substantiated what I believe.

11 But going back to the issue at hand, I  
12 would suggest before any decision is made, as the Senator  
13 recommended, looking at the costs, also looking at it from  
14 the standpoint that there are certain actions that the

15 Board adopts that will also impact the base year  
16 adjustment and methodology and quantification. For  
17 example, at least in Los Angeles County as a whole, the  
18 issue of the inert waste permitted unclassified landfill  
19 versus unpermitted inert waste landfill has made changes  
20 between years 1990 through '96, which that issue hasn't  
21 been resolved. So that would be one item that needs to be  
22 considered.

23 As a part of considering counting the  
24 diversion, you've also got to recognize the problem that  
25 exists currently with the Disposal Reporting System in

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1 trying to quantify that. Once you also go to the  
2 diversion, you have to multiply those problems by factor  
3 or magnitude, if you will. Another item that should be  
4 considered again, the current problem with the Disposal  
5 Reporting System that we have.

6 So my recommendation would be that  
7 hopefully the staff will look at all these issues that I  
8 just mentioned and that would be part of your  
9 consideration before adopting whatever direction the Board  
10 decided to go.

11 Thank you very much.

12 CHAIRMAN EATON: Thank you. Any questions?

13 Mr. Juan Perez.

14 MR. PEREZ: Yes. Thank you, Mr. Chairman  
15 and Members of the Board. I'm the Public Works Director  
16 with the City of Hemet in Riverside County, and we're here  
17 today. Appreciate the opportunity to comment. I believe  
18 you have our letter from our Mayor before you.

19 We are one of the agencies, if you will,  
20 that is in the pipeline. We began the process back in  
21 March of this year, working very diligently and  
22 cooperatively with your staff, and I do want to thank  
23 Keith Kennedy of your staff. He's taken the time to  
24 actually come down to our agency and see the programs  
25 firsthand and so forth. So we just really in your

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1 discussion would ask the Board to keep in mind those  
2 agencies that have already spent significant resources,  
3 in our case with our own staff, but it's still staff time  
4 and money to get us to this stage. And we would  
5 respectfully ask that you allow us to move forward with  
6 the methodology that's been previously approved.

7 CHAIRMAN EATON: So you want to correct  
8 your base year inaccuracy.

9 MR. PEREZ: That's correct.

10 CHAIRMAN EATON: And you're already in the  
11 pipeline.

12 MR. PEREZ: Yes.



13 CHAIRMAN EATON: Okay. What did it cost  
14 you?

15 MR. PEREZ: I wish I had a better figure in  
16 front of me. I would say roughly --

17 CHAIRMAN EATON: That would help at least  
18 not for what we want staff to do, but as someone who has  
19 gone through it, it would help us.

20 MR. PEREZ: I would estimate in the range  
21 of \$5,000. In our case, we did not hire a consultant, so  
22 I don't have a contract number to give you. Literally  
23 hundreds of hours of staff time to do the research and so  
24 forth.

25 CHAIRMAN EATON: Thank you.

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1 BOARD MEMBER ROBERTI: Mr. Chairman.

2 CHAIRMAN EATON: Senator Roberti.

3 BOARD MEMBER ROBERTI: I don't want to pick  
4 on him so I'm not doing that, but it's just sort of --  
5 sometimes don't jurisdictions sometimes come in and ask  
6 for base year corrections because they think that that is  
7 the way that they can take care of their numbers because  
8 the programs aren't working? Or horror of horrors, the  
9 population isn't cooperating with the programs, and hence  
10 the magic fix is to change the base year.

11 So I don't want to -- you've just given me

12 the opportunity to raise the point, but we should be  
13 sympathetic to jurisdictions that want base year  
14 corrections as we should be sympathetic to anybody who  
15 petitions an agency of state government, but we shouldn't  
16 be sympathetic to them, I guess what I'm trying to say,  
17 with the presumption that the need for the correction is  
18 because they've been operating under some horrendous  
19 system that has caused them prejudice. Sometimes the  
20 request for the correction is simply because the  
21 population is not cooperating with the programs.

22 MR. PEREZ: I appreciate those comments and  
23 I obviously can't speak to the other jurisdictions. In  
24 our case, I think you'll see when you evaluate our request  
25 that we do have very comprehensive programs. Everything

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1 we think we can do that we're continuing to improve as  
2 well as we can. So we just would appreciate the  
3 opportunity to continue with that process and have that  
4 item before you very soon.

5 CHAIRMAN EATON: Thank you.

6 MR. PEREZ: Thank you.

7 CHAIRMAN EATON: Mr. Sean Edgar.

8 MR. EDGAR: Mr. Chairman and Members, thank  
9 you for the opportunity to speak to you this morning.  
10 Sean Edgar, Edgar and Associates on behalf of California

11 Refuse Removal Council, also known as body double.

12 BOARD MEMBER JONES: It doesn't change no  
13 matter which one is here.

14 MR. EDGAR: Thank you. I did leave my box  
15 of rocks back in the office today --

16 (Laughter)

17 MR. EDGAR: -- so I feel good about that.  
18 Very briefly and I would reserve some comments for later  
19 on after the lunch period, but on behalf of CRRC, we do  
20 support action on items one and two, in particular, and  
21 there are a variety of different options with regards to  
22 dates and times. We take exception to item number three,  
23 item three pertaining to embracing the new waste  
24 generation study formula that we currently see out there.  
25 And just very briefly with regard to the

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1 new waste generation study, we did have an opportunity to  
2 participate in the four workshops that Mr. Schiavo talked  
3 about. I attended the workshop in Los Angeles. Other  
4 members attended two of the other three workshops  
5 throughout the state. That process revealed that there  
6 still is a major amount of what I would classify as fudge  
7 factor with regard to quantifying the source reduction.  
8 As Mr. Jones mentioned, some of these items of source  
9 reduction, particularly regarding to how do we quantify

10 double-sided, triple-sided paper, things of that nature, a  
11 little bit of confusion in there, and I think that to  
12 embrace and open the flood gates on a waste generation  
13 study formula that has yet to have a full peer review and  
14 report done by staff to the Board might not be prudent at  
15 this very time.

16                   So those are my comments on number three.  
17 So number one and two in particular, we do support some  
18 sort of action today; and number three, we reserve right  
19 to comment a little bit later.

20                   With regard to the noticing requirement, we  
21 did receive a notice, but it took me about three minutes  
22 last evening to pull the actual item out. The title was  
23 in fact there. However, to get details of the resolution  
24 I was able to download that in about three minutes' time.  
25 So I don't know.

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1                   I think that the folks who regularly  
2 monitor these items, who have a sense of importance to  
3 want to comment on them, I believe, had some ample  
4 opportunity to be able to get down to the nitty gritty of  
5 this resolution prior to today's meeting.

6                   So with that, I'll plan to allow lunch  
7 period to go and we'll be available for any questions or  
8 comments after the lunch period.

9 Thank you.

10 CHAIRMAN EATON: Thank you.

11 One last speaker. Mr. Greco.

12 MR. GRECO: Jim Greco, independent

13 consultant. I don't enjoy coming up here because the more

14 I introduce myself as an independent consultant, the more

15 I worry about you might not listen to me as much.

16 Two main issues. I am very fearful, very

17 concerned if you were to take action at this meeting.

18 Despite what we just heard, there are still many

19 jurisdictions that don't know the ramifications if base

20 year changes are going to be a moratorium. I'm concerned

21 about fairness. I'm concerned about jurisdictions that

22 didn't know what other jurisdictions have done and just

23 recently have. So I'm very worried about changing the

24 ground rules, so to speak, so soon.

25 The second point I want to make in trying

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1 to come up with criteria about who's in the pipeline or

2 not, I'll just give a couple of examples. Nevada County

3 just hired a consultant about a month ago. They're doing

4 pretty good, they're implementing programs pretty good,

5 but they're numbers have stabilized and decreased a bit.

6 They want a consultant to advise them how best can they

7 make 50 percent and to review their program. That would

8 include looking at all the options of maybe counting  
9 calculations a different way, the generation based way,  
10 doing a diversion study.

11                   The Consolidated Waste Management Authority  
12 down in Tulare has just selected a consultant, hasn't  
13 started work yet. They want the study done by April 1.  
14 Same thing, evaluate how can they best reach or exceed 50  
15 percent. The City of Lakeport is under a compliance order  
16 and is having some problems. They just released an RFP  
17 to hire a consultant. They haven't made their selection  
18 yet.

19                   So how you fashion the criteria of who is  
20 in the pipeline or not is critical. There are many  
21 jurisdictions who have legitimately done well, but maybe  
22 they could do better. And they haven't decided how to go  
23 yet because they were just kind of doing their things.

24                   As we all get knowledge, day by day, month  
25 by month, year by year, we get smarter. You're groping

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1 with difficult issues, and they make sense, and it's very  
2 frustrating on staff and others when you change things,  
3 but that's the reason why I've been worried about the  
4 whole integrity of 939. We're measuring different things  
5 over different periods of time.

6                   So what I'm saying is don't take action at

7 this meeting, even something like a moratorium.

8 I'll be happy to answer any questions.

9 CHAIRMAN EATON: Senator Roberti I think  
10 had a comment.

11 BOARD MEMBER ROBERTI: I just want to make  
12 sure. I have nothing against consultants. In fact, some  
13 of my best friends are consultants. In fact, many of them  
14 have made very, very good livings while I was in the  
15 legislature saying they knew me.

16 (Laughter)

17 BOARD MEMBER ROBERTI: So that's not my  
18 problem. But I do have to say this. As sure as the sun  
19 is going to rise tomorrow, there are going to be  
20 consultants, especially the further you get away from the  
21 capital here, who are going to go into jurisdictions  
22 saying there's trouble in river city and we'd better move  
23 real quick, and hire me because this is the only way  
24 you're going to get out of the trouble. The jurisdiction,  
25 not really knowing too clearly what we're planning or what

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1 we've decided, is probably going to comply. So I just  
2 figure the discussion we've just had today means a couple  
3 hundred thousand dollars at a minimum for some  
4 consultants.

5 I'm not complaining, but I'm saying that's

6    why we have to move with some dispatch, and that's why  
7    sometimes problems are concocted that really don't exist.  
8    And I'm not condemning a profession, certainly not you.  
9    You're just the one that's here while I'm talking, but  
10   I've got nothing against consultants. I don't think any  
11   of the Members of the Board do either.

12                   MR. GRECO: I'm an independent consultant  
13   and I have a lot of problems about consultants --

14                   (Laughter)

15                   BOARD MEMBER JONES: Mr. Chairman.

16                   MR. GRECO: -- but I'm proud to be a  
17   consultant.

18                   BOARD MEMBER JONES: Mr. Chairman.

19                   CHAIRMAN EATON: Mr. Jones.

20                   BOARD MEMBER JONES: Just a couple of quick  
21   questions. Those counties or those jurisdictions that put  
22   RFPs out, did they say we're not hitting our number, we  
23   want to go back and revisit our 1990 number, or were they  
24   hiring people to do waste generation studies a little  
25   closer to today's date?

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1                   MR. GRECO: Neither. Basically those RFPs  
2   were fashioned to say we want someone to come in and do an  
3   independent review of our programs and are we on track to  
4   meet or exceed 50 percent, and if we're not, what do we



5 need to do to get to 50 percent.

6 BOARD MEMBER JONES: But if one of the  
7 options is to go back to 1990, nine years after that  
8 document was put together, I don't remember what the heck  
9 we were doing two years ago. How is somebody supposed to  
10 reconstruct what a waste stream looked like nine years ago  
11 as a way to meet the 50 percent goal? That would be  
12 suspect, at best, and I agree with the Senator and I think  
13 that's one of the reasons that we have to really tighten  
14 this down.

15 We can't use base year adjustments to come  
16 up with 25 or 50 percent goal succeeded reaching the goal  
17 through base year adjustment. Everybody here has heard me  
18 say that enough times. So if those jurisdictions that are  
19 letting contracts don't want accurate data or newer data,  
20 then how is that changing the rule? I'm having a hard  
21 time with that. You know?

22 MR. GRECO: Well, I want to say this out of  
23 respect. Jurisdictions are not going back to -- there are  
24 some I know that are not going back to look at 1990 to  
25 make them meet 50 percent. You might look at a

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1 jurisdiction, its calculations, its programs, and all of a  
2 sudden realize there is some serious problems here. They  
3 might have had a very low per capita, which is an

4 excellent measure I think to at least give you an idea,  
5 and it may be they really did overlook something.

6                   Now in fairness, if some jurisdictions did  
7 correct that, and they're not correcting it to improve the  
8 numbers, they're correcting it to get more accurate  
9 characterization of what they're trying to do and what  
10 they've done. And I know going back nine years to 1990 is  
11 sometimes foolish, ludicrous, and we're much smarter now  
12 than we were then.

13                   What I'm trying to say, Mr. Jones, is the  
14 purpose isn't to fix the numbers to get up to the 50  
15 percent or 25 percent or whatever. The purpose is to  
16 review their programs, their methodology, and to offer  
17 them options if there's a more accurate, better way, a  
18 least cost way.

19                   It might be a real easy fix, a real genuine  
20 fix to change a base year because maybe something like no  
21 scales, the conversion factor they were using maybe was  
22 500 pounds a cubic yard. Right off to another consultant  
23 or a person who's not a consultant, wait a second. That's  
24 not what other jurisdictions have done.

25                   It's a dilemma.

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1                   CHAIRMAN EATON: No, I mean -- you  
2 understand this has been at least -- I'm glad to have some

3 additional voices and you'll see now that you're not going  
4 to be a bean counter, you're going to be just the kind of  
5 guillotine and knocking heads off. That's what will show  
6 up on your obituary and mine as a bean counter and so on  
7 and so forth. But the whole idea of what you're trying to  
8 get to is that in some of the base year adjustments what  
9 we were looking at is a statewide diversion rate in 1990  
10 at 25 percent. Right? If we would have allowed all of  
11 those to go back in May, so in essence 939 was not needed  
12 because you would have reached 25 percent in adjustments  
13 in numbers.

14 BOARD MEMBER JONES: Paper and pencil.

15 CHAIRMAN EATON: Paper and pencil. So what  
16 the Board is struggling with is at what point do we freeze  
17 frame it, and how do we then fashion the remedy as we go  
18 into the 1066 program to get a more simplified operation,  
19 a more simplified approach to it.

20 We started that back -- I think we started  
21 that back in the working group, at least in the history  
22 that's in here, that you had a series of five formulas and  
23 then something took place before, I think, in December of  
24 '98, then again in May when we looked at it and said all  
25 these jurisdictions are just out there. We made a big

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1 push and we -- I don't know. We went through 60 or how

2 many did we go through of those?

3 MR. SCHIAVO: 130 or 40.

4 CHAIRMAN EATON: I think what we're trying

5 to do right now is say where does it stop. I think that's

6 kind of where it's at. So what we'll do is come back

7 after lunch and see what they can do. And how does 2:15

8 sound? That's a good --

9 BOARD MEMBER ROBERTI: Generous, very nice.

10 CHAIRMAN EATON: Don't use that word. We

11 can't use that because otherwise it will be generation.

12 2:15. Thank you.

13 (Lunch recess taken)

14 CHAIRMAN EATON: All right. Everyone,

15 welcome back. Hopefully you had an enjoyable lunch.

16 Mr. Pennington, any ex partes to report?

17 BOARD MEMBER PENNINGTON: Other than saying

18 hello to Yvonne Hunter, no.

19 CHAIRMAN EATON: Mr. Jones.

20 BOARD MEMBER JONES: I had lunch with one

21 of my former colleagues, Larry Sweitzer, and said hello to

22 Yvonne, and a little bit to Paul Ryan.

23 CHAIRMAN EATON: Ms. Moulton-Patterson.

24 BOARD MEMBER MOULTON-PATTERSON: I said

25 hello to Yvonne Hunter.

1 (Laughter)

2 BOARD MEMBER PENNINGTON: It's obvious she  
3 made the rounds.

4 BOARD MEMBER ROBERTI: And I said hello to  
5 Yvonne Hunter, but I think it was last Wednesday.

6 CHAIRMAN EATON: All right. And I said  
7 hello to her as well as said hello to Mr. Cupps today.  
8 All right.

9 Item Number 22 we were on, staff had a few  
10 things. Since then we have received a few new additional  
11 individuals who decided to show up and speak on Item  
12 Number 22 over the lunch hour.

13 (Laughter)

14 BOARD MEMBER ROBERTI: The faxes were very  
15 busy over the lunch hour.

16 CHAIRMAN EATON: At least we know the lines  
17 of communication do work.

18 BOARD MEMBER ROBERTI: That's right.

19 CHAIRMAN EATON: So with that, why don't we  
20 hear from those individuals. Well, Yvonne Hunter, first  
21 up, and then Paul Ryan and John Davis in that order.

22 MS. HUNTER: On behalf of the League of  
23 California Cities, hello to all of you. Yvonne Hunter,  
24 League of California Cities.

25 I had not originally intended to speak on

1 this item. I came to speak to listen and then to possibly  
2 speak on Item 24, but I arrived a little while ago and  
3 heard about this and read the agenda item. And I just  
4 have a couple of comments.

5               Someone had alerted me that this was on the  
6 agenda yesterday, and I went to the web site and there was  
7 no background material and I thought okay. And I guess  
8 something was put on the web site last night.

9               What the Board is proposing to do relative  
10 to base years may be appropriate, may not be appropriate.  
11 I haven't had a chance to review all the ins and outs and  
12 to find out from cities what they think about it, but I  
13 would encourage the Board to delay making any final  
14 decision until a number of other questions can be  
15 resolved, and I understand there were a number that were  
16 raised this morning, and until the proposal can be more  
17 widely circulated among local governments so that they  
18 have the appropriate public notice about what the item is.

19              It's clear that there are difficulties in  
20 the base year numbers and adjustments and what does all of  
21 this mean, but to suddenly adopt a new policy that we're  
22 not sure what the impacts are going to be, especially  
23 we're going to be getting into SB 1066 implementation  
24 procedures, there are issues that you're grappling with on  
25 special waste.

1                   I would suggest that there's no great  
2   urgency in putting this over a month to have some  
3   additional staff evaluation, to allow local governments to  
4   review it, is an appropriate course of action. And in  
5   addition, also what if anything does this mean. Will  
6   there be two groups of local jurisdictions, those that  
7   were able to get base year adjustments and those that  
8   weren't, and are we having two standards. I would just  
9   urge caution. I don't know that there is any great  
10  urgency this has to be done with next to no notice.

11                  Thank you.

12                  CHAIRMAN EATON: Any questions of  
13  Ms. Hunter.

14                  Okay. Paul Ryan.

15                  MR. RYAN: I'm sorry for the Norco look  
16  today, but I hadn't originally intended to speak at all  
17  until you brought this subject up.

18                  My name is Paul Ryan. Today I'm  
19  representing myself as P.F. Ryan and Associates. I'm one  
20  of those dreaded consultants and I used to be a bureaucrat  
21  so I sort of have a feeling for both sides.

22                  In looking at the dilemma that you have  
23  before you, I've provided 939 services to the waste  
24  industry and also about 20 cities in Glenn County. In  
25  reflecting the dilemma that you have now with the

1 consideration of a moratorium, I do think there's a point  
2 in time that we're going to have to call it quits on what  
3 happens with the base year adjustments.

4                   But to give you some insight on how I look  
5 at it, and I'm sure others do the same thing, I work with  
6 your staff very closely and we go through Item 32, and in  
7 my case if a city or county simply can't comply with any  
8 of the adjustments made in Item 32, I just simply say  
9 forget all of this, let's go on to a new base year  
10 generation study because it's pointless to try and rehash  
11 something that will never get you to a point of  
12 compliance.

13                   Secondly, if people are fiddling with base  
14 year adjustments at this point and don't have good  
15 justification, they're living in a fool's paradise because  
16 as SB 1066 comes into existence, so you get a few points  
17 to raise your diversion rate to maybe 30 percent or  
18 something like that. That still puts you behind the power  
19 curve in getting into 50 percent compliance for the year  
20 2000. So somewhere along the line during that period  
21 you're going to have to consider possibly doing a  
22 generation study.

23                   In terms of some of the things I've learned  
24 in doing these generation studies, I think the policy is  
25 not quite finished yet and I would like to see you receive



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1 more input from the jurisdictions and consultants and the  
2 waste industry because I think there's still some areas  
3 that we need to fine tune because I can conjure up a  
4 number of areas that I can beat you at your own game or  
5 the staff at your own game.

6           Let me give you an example. If I were to  
7 take and use your Disposal Reporting System knowing that  
8 some of the jurisdictions have reporting errors in pretty  
9 large quantities -- I know one that has 30,000 tons each  
10 year in error. It really belongs to another jurisdiction  
11 but for some reason it keeps showing up in this  
12 jurisdiction. If I were to do a base year generation  
13 study and wanted to beat you, I would just simply say  
14 fine. I'm going to use your Disposal Reporting System  
15 numbers, do the study, have this high number and come in  
16 next year and just beat the hell out of the landfill  
17 operators to make sure that diversion does not occur  
18 again. I don't have to implement anything. I've won.

19           There's another point here that we need to  
20 bring forward and it's the comprehensive nature of the  
21 programs that are delivered. Numbers by themselves only  
22 tell you a certain part of the picture. We need to have  
23 something that tells us a jurisdiction really put some  
24 programs together and they're operating and we can define

25 them and we can quantify those.

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1                   In our annual reports you have a  
2 requirement to report diversion tonnage under Table B-2 in  
3 Section B. I'd like to see that expanded to show that  
4 every program that you've adopted in your SRRE you could  
5 either quantify through the generation study methodologies  
6 or through the haulers or real numbers along with the real  
7 programs so you can show participation tonnage and so on.

8                   The last comment I'd like to share with you  
9 is that if you decide to move not only in this present  
10 consideration for base year modification -- I mean the  
11 base year modifications moratorium, keep in mind that most  
12 of the cities are already nearly through the budget cycle  
13 or they're planning what their budget is going to be for  
14 the next fiscal year. And what's happened with the  
15 jurisdictions I've worked with and come before you and  
16 you've issued the notices of compliance, each one of them,  
17 those notices to do the generation studies were out of  
18 phase with their budgets, and they've cost -- based on  
19 what Dr. Singh has said, it seems to be \$285 per business  
20 surveyed to do the survey and the reporting to come back  
21 to you and present the generation study to you. So if you  
22 have a jurisdiction that you have to survey 200 businesses  
23 to do an adequate generation study, you can multiply that

24 by \$285 and you can get a pretty good idea of what the  
25 cost is going to be to that jurisdiction.

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1                   Many of the jurisdictions I work with, the  
2 cities, they're on a very tight budget and they have to  
3 wrestle with things like do we spend this \$50,000 to do  
4 this study or do we keep the police on the street to pick  
5 up the criminals. And we get down to some very  
6 fundamental things.

7                   I want to leave this thought with you. I  
8 understand we have some very serious issues that we have  
9 to address. I do think we can solve it. I do think I'd  
10 like to see you move on to implement SB 1066. I think  
11 that's going to be part of the cure because as I said  
12 before, the people are going to come in for base year  
13 adjustments and that will only get you so far, but you're  
14 still going to ask them to come back and do a generation  
15 study to get through the rest of the process, to  
16 demonstrate compliance or how they're going to get  
17 compliance and reach 50 percent.

18                   If you impose a moratorium, I think you  
19 need to hear from the jurisdictions, and I would like to  
20 see you continue this at least one more time and receive  
21 some additional input.

22                   Thank you.

23 CHAIRMAN EATON: Thank you. Any questions?

24 Mr. John Davis.

25 MR. DAVIS: Mr. Chairman, Board Members, I

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1 administer an eight-jurisdiction joint powers authority in  
2 the high desert in San Bernardino County. My board asked  
3 me to start attending your meetings so we could bring back  
4 some advice as to how to proceed on these kinds of issues  
5 to the cities.

6 I'm not aware of any of my cities who are  
7 considering base year adjustments at this point, but  
8 closing the door I think might really be unnecessary. I  
9 think, as Paul said, you're going to see more and more  
10 people moving to revise base years and why preclude  
11 someone from fixing a problem that might be a fairly  
12 simple solution, and it occurs to me that you've granted  
13 some base year adjustments only really in the last year as  
14 policies began to clarify. So I think that there are some  
15 cities in looking at it in trying to understand your  
16 actions and might be prepared to come forward.

17 I thought maybe I should leave here at  
18 lunch and at least do a series of phone calls to tell  
19 people to get in the pipeline now. You've got an hour and  
20 a half. I hope it's not necessary. I think it will  
21 self-correct and you're going to see fewer and fewer of

22 these and the jurisdictions that are going to come forward  
23 are going to come forward one way or the other. So the  
24 better data is probably going to be on the new base years  
25 as you go forward and this may be one of those much ado

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1 about nothing, but really why go there.

2 I feel compelled to speak on behalf of my  
3 group even though I wasn't planning on doing that today,  
4 but I think it would be just something else that would be  
5 of concern to people about what they missed out on,  
6 something they would have to go back and try to explain to  
7 people.

8 Thank you.

9 CHAIRMAN EATON: Thank you, Mr. Davis.

10 Okay. Members, druthers? Comments?  
11 Motions?

12 BOARD MEMBER JONES: Mr. Chairman.

13 CHAIRMAN EATON: Mr. Jones.

14 BOARD MEMBER JONES: I don't think -- I  
15 don't think I'd have a problem postponing this for a  
16 month, but I do think that one of the things that Senator  
17 Roberti said earlier about people using base years to try  
18 to meet the goal I think is a critical statement because I  
19 think it's accurate. I have a tendency to agree with it  
20 on an awful lot of ones that we've done and ones that

21 might be coming down the road.

22 I think that one thing that people -- I  
23 hope that people realize that this isn't a moratorium on  
24 people changing base years. It's just saying you're not  
25 going to be able to go back to 1990 and reconstruct what

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1 was a base year nine years after the fact and do with a  
2 pencil and eraser to try to get to a number that makes  
3 sense today, and I think that -- we're not saying don't  
4 change base years. There is nothing in the statute to  
5 give us the right to tell people not to change base years.

6 What we're saying is if you're going to  
7 change the base year, use more accurate information in  
8 years closer to what you're trying to change. I think  
9 Mr. Ryan hit that on the head without maybe saying it in  
10 that sentence, but it -- I don't think it's fair to try to  
11 imagine that anybody could go back nine years and try to  
12 realize what was happening in a jurisdiction nine years  
13 ago. I know that -- I don't think I could, and I've been  
14 around this as long as anybody else here.

15 So I think that that's -- we need to do a  
16 better job of clarifying what we're trying to do of  
17 letting people know if you're going to do a generation  
18 study to come up with a new base year, it's going to be a  
19 year '97, '98, '99 where data is more readily available

20 and you understand the programs because to continue this  
21 charade of changing a base year -- and I have to go back  
22 to base years that came to me and staff would put down  
23 what the number was in 1990 as they were supposed to. You  
24 all saw it in your packets, and it said this jurisdiction  
25 with these new disposal numbers will go from 15 percent

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1 recycling in 1990 down to 5. Everybody says that's cool.  
2 They dropped the rate, but 90 don't count. Look at the  
3 number now in '95, and miraculously an awful lot of those  
4 jurisdictions were up around 26, 28, 29, 30, 45 percent  
5 with that new disposal tonnage added, but going back to  
6 1990, they were estimates.

7                   There weren't a lot of scales in place.  
8 People got to understand this better. The landscape has  
9 changed. I think it's clear that we need to -- I  
10 personally think that under number one of the resolution  
11 we change it to February of 2000 and let people that are  
12 in the pipeline. I think you use information through '97,  
13 and I think that, you know, that second bullet that says  
14 approve base year disposal and diversion tonnage amounts,  
15 that's no more than three years old because people have  
16 that information at their fingertips. They can easily get  
17 that information.

18                   I agree with Sean on the -- some of the new

19 generation studies stuff that we as a board I think still  
20 are -- I don't think we've accepted it yet. I think we're  
21 still going through review or maybe it's being used, but I  
22 think some of that source reduction quantifications are  
23 bothersome to me. Okay. I don't have a problem with  
24 trying to quantify source reduction, but spending \$60,000  
25 with a consultant to get to 44 percent just using source

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1 reduction just seems like an awful lot of source reduction  
2 for one jurisdiction, especially when the disposal numbers  
3 are going up in that jurisdiction.

4                   The other thing we've got to be aware of as  
5 a Board is when we get into the year 2000 or further on,  
6 these changes that are happening now are going to  
7 impact are we going to have a good handle on that issue of  
8 the waste stream not going through the infrastructure and  
9 going directly from generator to landfill.

10                   If we keep changing these numbers we're  
11 never going to know, and that's not fair to the cities or  
12 counties and it's not fair to the residents whose rates  
13 are supporting that infrastructure to have some businesses  
14 going around that infrastructure because at some point  
15 that rate is going to have to be raised. And if the  
16 masses are gone away because we keep doing these things,  
17 then the citizens are going to be paying for a heck of a



18 lot more for MRFs and those types of operations than they  
19 would if everybody was part of the waste stream.

20 CHAIRMAN EATON: Any other comments?

21 Senator Roberti.

22 BOARD MEMBER ROBERTI: When we vote --  
23 well, I think we should put this over until a meeting in  
24 January, that we change March 31st, 2000 to December 31st,  
25 1999, and I recognized that before the meeting, but to put

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1 it in any way, that date, unless -- would that delay us  
2 another month for notice in case we had to change it?  
3 Okay. That's my own personal recommendation.

4 And the other thing is to give the Board  
5 two options at least on paragraph two; one, a four years  
6 old option; and then the other something shorter, like two  
7 years. I mean, my still very late observation is that  
8 four years is just way too long to come up with anything  
9 meaningful, but I could be convinced otherwise. I would  
10 feel more comfortable with two years and sort of might  
11 give us a choice when we vote, and three years would be a  
12 possibility, too.

13 CHAIRMAN EATON: Somewhere between two and  
14 four.

15 (Laughter)

16 BOARD MEMBER ROBERTI: Somewhere between

17 two and four.

18 CHAIRMAN EATON: I got you.

19 Ms. Moulton-Patterson.

20 BOARD MEMBER ROBERTI: I'm fine. I'm  
21 finished.

22 And then for the staff to come back with  
23 cost estimates for us, but that doesn't have to be part of  
24 this resolution.

25 BOARD MEMBER PENNINGTON: If we put it

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1 off --

2 CHAIRMAN EATON: Mr. Pennington.

3 BOARD MEMBER PENNINGTON: Thank you,  
4 Mr. Chairman.

5 We don't have to make these decisions if we  
6 put it off until January. This is what we need to hear,  
7 some impact back from the industry. I would feel much  
8 better to put it off. I don't think they really got  
9 adequate notice that we were looking. If it wasn't on  
10 BODS until sometime last night, that hardly gives anybody  
11 an opportunity to really review it, and I don't think that  
12 is the spirit of the law, even though it may be the  
13 intent. We may have followed the law to its Nth degree,  
14 but I think we need to let these people know this.

15 CHAIRMAN EATON: Ms. Moulton-Patterson.

16 BOARD MEMBER MOULTON-PATTERSON: I would  
17 like to see it put off also in order to get more  
18 information from the people that are really going to be  
19 involved and affected by it, and I do agree that I think  
20 four years is a little long. So maybe we could have some  
21 choices.

22 MS. TOBIAS: Mr. Chair, may I address one  
23 issue? In terms -- I wanted to make clear, and I don't  
24 know that this needs to be done or not -- but I do think  
25 that the Board's hearing this in January is a much safer

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1 place to be. But I do want to say that in terms of the  
2 date that the Senator was talking about, whether it's  
3 March 31st or December 31st, the Board could set any date  
4 there they want. They could set a past date if they  
5 wanted to. They could say any request received by  
6 December 1st, they could say today, as of this meeting,  
7 because I do think the Board has the right to anticipate  
8 that any future date will create probably an onslaught of  
9 plans or untoward actions by cities that the Board might  
10 not want to see.

11 So I do want to make clear when you're  
12 adopting those criteria there, I think that you could  
13 basically say that significant efforts had to be made by  
14 some date. The government needs to be reasonable, not

15 arbitrary and capricious. I think in terms of moving the  
16 date forward for the meeting, that that's a very safe  
17 place to be, and if the jurisdictions come in and argue  
18 what that date should be in terms of the criteria, that's  
19 a different issue. Does that make sense?

20 BOARD MEMBER ROBERTI: My own preferences  
21 would be now along the lines of your telling us what we  
22 can and cannot do. If I had my druthers, I would like  
23 today to be the day so this discussion didn't suddenly  
24 generate a lot of activity by entities until they heard we  
25 had the debate. And that's often what happens in

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1 legislative bodies.

2 As long as you're saying we can do that, if  
3 we put this over until January and we set a date, whatever  
4 date that happens to be, then it's probably not necessary  
5 that we tinker with the date today.

6 CHAIRMAN EATON: I think you're right.

7 MS. TOBIAS: One is the things that you  
8 may -- I think that's why the discussion here is good  
9 because I think the jurisdictions have spent -- because  
10 there is representation in the audience. I think League  
11 of Cities is here to clarify this to people who may call.  
12 Our staff obviously can do that too, but I think it's good  
13 if the Board does opine to a certain extent on what kind

14 of dates they would like to see so that people understand  
15 that we don't want to see this.

16                   You may end up with several criteria in  
17 terms of what to you is an effort in bringing this  
18 forward. It might be the date of contract signed, it  
19 might be substantial efforts. And I think what at least  
20 I'm hearing is that what we don't want to see or what we  
21 may not look too favorably upon is a lot of contracts are  
22 signed between now and January 1st or January 25th,  
23 whatever the date of the board meeting is in January. So  
24 I hope that that's communicated both by staff and the  
25 representatives here, too, people who might be in a

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1 quandary over what to do next. This discussion is very  
2 helpful.

3                   BOARD MEMBER PENNINGTON: Mr. Chairman.

4                   CHAIRMAN EATON: Mr. Pennington.

5                   BOARD MEMBER PENNINGTON: If I hear counsel  
6 correctly, then we wouldn't have to set a date today, and  
7 if when we got to the next board meeting in January and  
8 see that 25 people have signed up to try to get into the  
9 pipeline between now and then, we could set today's date  
10 as that date; correct?

11                   MS. TOBIAS: And you may want to put just  
12 something that says, you know, before a date certain and

13 then you may want to indicate it in your motion to move  
14 this to January, that the Board will be looking at past  
15 efforts, not efforts that occur between December 14th and  
16 January 25th, or whatever the date is.

17 BOARD MEMBER JONES: Mr. Chairman.

18 CHAIRMAN EATON: Mr. Jones.

19 BOARD MEMBER JONES: Just a couple of  
20 questions, too, because I think we need to give staff  
21 direction so this thing is printed on BODS basically in a  
22 form that the five of us think it needs to look like.  
23 That first one that says, "In the existing practice of  
24 allowing corrections to the 1990," and then in here it  
25 says, "Through '96 base years," and I'm wondering if

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1 jurisdictions have come in in the last couple of years and  
2 basically it's been -- I think the policy was in '96, so  
3 the base year adjustments have happened in '97, '98 and  
4 '99; right?

5 MR. SCHIAVO: Primarily, yeah.

6 BOARD MEMBER JONES: Why wouldn't we say,  
7 "In the existing practice of allowing corrections to the  
8 1990 through 1998 already approved base year."

9 MR. SCHIAVO: Okay. Add "already approved"  
10 is what you're saying?

11 BOARD MEMBER JONES: Well, I guess you

12 don't have to. The reason I want to take it to '98 is  
13 that if somebody did a base year -- if they came in and we  
14 accepted their new base year and it's in 1998, then why  
15 would we want to go back to change it again, to get them  
16 in 2000, to get them to, you know, 50 percent with an  
17 eraser? I mean, if the data was accurate in '98, what's  
18 the difference?

19 MR. SCHIAVO: Part of the reason for that  
20 is some jurisdictions were limited on funds so they had a  
21 phased approach in doing their generation studies. So  
22 they focused on the big generators and didn't put much  
23 focus on the smaller ones, and that was the purpose of  
24 that.

25 BOARD MEMBER JONES: So they would come

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1 back later?

2 MR. SCHIAVO: They may have a two-year  
3 contract, and that was part of the reason for that.

4 MS. TOBIAS: Mr. Chairman, maybe I can say  
5 one more thing, not in reference to anybody's suggestions  
6 specifically but just as a reminder. What government  
7 wants to do is treat everybody equally in the sense that  
8 we don't want to end up treating like situated entities  
9 differently in an arbitrary way.

10 So one of the things about doing it with

11 saying that you won't allow corrections for any more than  
12 four calendar years or some "X" date, that basically kind  
13 of cuts across and I think would be legal or accepted by a  
14 court. As I say, I'm not applying this critically to  
15 anybody's suggestion but just want to make sure that if  
16 there's some differential, for example, where we've  
17 allowed certain entities over a number of years to come in  
18 and it turns out those are the well-funded ones who can  
19 get up and fight but the other ones are still coming in,  
20 we might run into a problem if somebody can show that  
21 while they were just waiting to come in and would have  
22 come in but for this or but for that.

23 I think staff will be a big help in terms  
24 of looking at any arbitrariness, but as you all are  
25 thinking about it, I think it would be important to try to

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1 remember that what we really want is something that treats  
2 everybody the same. I don't know if that helps or not.

3 BOARD MEMBER ROBERTI: You mean treats  
4 everybody the same as far as the new rule that we have  
5 adopted, or treats everybody the same based on what our  
6 past practice is?

7 MS. TOBIAS: I guess what I'm a little bit  
8 worried about is where we draw a line that -- I don't know  
9 if you know where I'm going with this.



10 BOARD MEMBER JONES: Has a curve in it.  
11 MS. TOBIAS: Well, it has a curve in it  
12 or -- I guess I could just say the ones that do sound okay  
13 to me is where you basically say you know, we're not going  
14 any further back than "X" date. We've had those, you  
15 have good reasons for that, the data is old, we can't --  
16 we're tired of trying to comb through this and making up  
17 explanations for things that people did almost nine years  
18 ago or whatever. That seems to me that even if somebody  
19 didn't come in, if they came in now, we could say sorry,  
20 we've had the experience and we're just not going to go  
21 back that far anymore. That one works I think.

22 I think that this is really -- I've heard  
23 really good creative discussion on the part of the Board  
24 and just wanted to remind us that it really just does need  
25 to appear and needs to actually treat the jurisdictions

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1 equally. I guess what I'm saying is you really need to  
2 look behind it and think okay, does this -- do people end  
3 up being treated equally.

4 BOARD MEMBER JONES: I have a question,  
5 Mr. Chairman.

6 CHAIRMAN EATON: Mr. Jones.

7 BOARD MEMBER JONES: Based on that then,  
8 Katherine, if we said in item number two that said that

9 amounts that more than -- let's say we said three years  
10 because I heard two years to four years, so for the sake  
11 of this discussion we say three years. So the information  
12 has to be three years old, then in number one you would  
13 change that to say '90 through '97 because that would be  
14 consistent; right?

15 MS. TOBIAS: I think those are okay.

16 BOARD MEMBER JONES: So -- and that would  
17 be consistent then. All right. I wouldn't have a problem  
18 with that. I think that the date -- I think we ought to  
19 put the date in. I think in that one that says things in  
20 the pipeline, and I know that Hemet didn't get heard today  
21 out of fairness to them because of this discussion.  
22 Obviously that's in the pipeline. I'm sure you guys have  
23 others in the pipeline. So they're quantified that they  
24 would have the opportunity to come forward; right?

25 MR. SCHIAVO: What we were doing at lunch

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1 time is building up -- what we did earlier was build up  
2 criteria, what would we consider in the pipeline, and what  
3 we will do for the agenda item in January is list out some  
4 of the alternatives for what's considered pipeline.

5 BOARD MEMBER JONES: They -- based on that  
6 comment, are we comfortable with saying today's date or  
7 tomorrow's date?

8 MR. SCHIAVO: You can give a particular  
9 date, but what we come down to is what is considered in  
10 the pipeline. Is it oral agreements, is it written  
11 submission of documentation, is it contracts in place as  
12 we talked about earlier, is it so much money spent  
13 internally because they want to do the study internally.  
14 So those are some of the things we were grappling with is  
15 defining pipeline, and we can bring that forward if you  
16 like.

17 BOARD MEMBER PENNINGTON: Mr. Chairman.

18 MR. SCHIAVO: That's why we're proposing a  
19 specific date.

20 CHAIRMAN EATON: Mr. Pennington.

21 BOARD MEMBER PENNINGTON: See, I don't see  
22 why we need to set a date today if we can retroactively do  
23 it. We ought to hear what everybody says and then we can  
24 set this arbitrary date based on either today or the first  
25 of the year.

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1 CHAIRMAN EATON: Let's see if I can --  
2 just so I have some clarity, the setting of the date would  
3 be just for purposes of what we want the staff to sort of  
4 come back with a range as we did in recommendation number  
5 two. Is that what I'm hearing, is that you want some sort  
6 of guidelines to the staff as to what we want them to --

7 BOARD MEMBER ROBERTI: Right.

8 CHAIRMAN EATON: I'm trying to think of a  
9 way of -- options to do it.

10 BOARD MEMBER ROBERTI: Really just  
11 basically options. It doesn't have to be too complex.

12 CHAIRMAN EATON: Right. I think probably  
13 the easiest way to do it is to move we continue this item  
14 to the January meeting and that we instruct staff to come  
15 back with a series of options for the Board to consider --  
16 option one as to an appropriate date, which there would be  
17 a cessation of the base year adjustments and arguments for  
18 and against as to why that date should not be by the end  
19 of this year.

20 That gives you -- because of the supporting  
21 for and against, you can always go against. I think that  
22 helps solve the problem in terms of not having a specific  
23 date, but yet gives the arguments pro and con why. It  
24 gives the opportunity to be heard out there. Also, I  
25 think it was also a range of options with regard to how

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1 far back we can go from one to four years as opposed to  
2 two and four, we may end up with two and three at that  
3 point if we only give ourselves three numbers to choose  
4 from; and a discussion as to and information regarding  
5 options that in lieu of a base year adjustment due to the

6 Board's cessation of these activities, what are the  
7 available options for the local entities, whether they be  
8 waste generation studies, those kinds of things which gets  
9 to the cost issue.

10 I'm trying to sort of just draw it all from  
11 all there, and I would highly recommend that this item  
12 also -- not so much the title, the title we've always  
13 had -- but the actual written item be available to the  
14 public at the time that the title goes out. That would be  
15 ten days. That's from the actual date of the hearing.  
16 That's going to need some tweaking and that's been some of  
17 the problem. So I think that's kind of where we are.

18 BOARD MEMBER PENNINGTON: Mr. Chairman.

19 CHAIRMAN EATON: If you want to sort of --

20 BOARD MEMBER PENNINGTON: Mr. Chairman, if  
21 that's your motion, I'll be glad to second it.

22 CHAIRMAN EATON: That will be fine. I'll  
23 make that as a motion. That seems to me to be everyone's  
24 overall thrust, or if there needs to be more ornaments on  
25 the Christmas tree, I'm happy to accept those as well.

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1 Mr. Eaton moves and Mr. Pennington seconds we adopt the  
2 resolution as set forth.

3 Madam Secretary, would you please call the  
4 roll.

5 BOARD SECRETARY: Board Members Jones.  
6 BOARD MEMBER JONES: His resolution is to  
7 move it for a month; right? Not a resolution, just an  
8 action.  
9 CHAIRMAN EATON: Absolutely.  
10 BOARD MEMBER JONES: Okay.  
11 CHAIRMAN EATON: In no way did this deal  
12 with Resolution 1999-638.  
13 BOARD SECRETARY: Board Members Jones.  
14 BOARD MEMBER JONES: Aye.  
15 BOARD SECRETARY: Moulton-Patterson.  
16 BOARD MEMBER MOULTON-PATTERSON: Aye.  
17 BOARD SECRETARY: Pennington.  
18 BOARD MEMBER PENNINGTON: Aye.  
19 BOARD SECRETARY: Roberti.  
20 BOARD MEMBER ROBERTI: Aye.  
21 BOARD SECRETARY: Chairman Eaton.  
22 CHAIRMAN EATON: Aye.  
23 Okay. Item Number 24. Item Number 23 was  
24 pulled.  
25 MR. SCHIAVO: Okay. This item deals with

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1 the status update of our efforts to implement SB 1066  
2 which is the time extensions and alternative diversion  
3 requirements. The purpose of SB 1066 is to provide

4 jurisdictions with flexibility in meeting AB 939 goals and  
5 it gives the Board authority to grant that flexibility.

6                   Guidelines for implementation of SB 1066,  
7 there's two major issues here. One is what actually  
8 belongs in an application, the content; and two is what  
9 criteria will the Board use to evaluate that content of  
10 the application.

11                   In staff's proposal to move forward on this  
12 particular item, we want to place a strong emphasis on  
13 receiving input from local jurisdictions through a series  
14 of workshops, as well as with elected officials and  
15 decision makers and provide interim updates to the Board  
16 regarding our progress.

17                   So the specific time line for  
18 implementation of this particular item will be in February  
19 and March we plan on conducting ten focused workshops in  
20 local jurisdictions throughout the state. We plan on  
21 having one workshop for elected officials and decision  
22 makers and then provide an update to the Board in March of  
23 2000. In April and May, depending on the input we receive  
24 and further direction from Board Members, we will go back  
25 out to local jurisdictions for another series of

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1 approximately four workshops throughout the state,  
2 consolidate the sites for the second series of workshops,

3 and then in June and July of 2000, we want to finalize  
4 guidelines in the application for Board consideration as  
5 well as finalize our recommendation, or our proposed  
6 recommendations, for criteria evaluation to the Board as  
7 well.

8 And we're looking at final Board approval  
9 perhaps in August of 2000 and then begin the process of  
10 accepting the SB 1066 applications for the jurisdictions.

11 That concludes my presentation.

12 CHAIRMAN EATON: Okay. So any questions?  
13 If I understand what you're saying, is it roughly -- using  
14 it very loosely and there's no hard and fast -- that  
15 between February and really May it's an information  
16 gathering from the affected parties and also sort of grunt  
17 work of trying to pull together workshops and not only  
18 with jurisdictions but elected officials within those  
19 jurisdictions, and then you hope to be able to come back  
20 to the Board sometime during the summertime -- June and  
21 July is what I'm using here -- with recommendations and  
22 then what we would set sometime in late summer for the  
23 adoption of the final recommendations and what the 1066  
24 program would look like.

25 MR. SCHIAVO: Right. Correct.

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1 CHAIRMAN EATON: Can I ask then thereafter



2 would we be having a series of workshops then that go out  
3 and explain to the people, after we've got their  
4 information and whatever, are we going to go out and train  
5 them in how they can apply subsequent to the adoption or  
6 would they be just left on their own to hire consultants  
7 to try to figure out what the Board is wanting for?

8                   Because that seems to be one of the missing  
9 components as we've talked through here that once we've  
10 adopted these, then -- and I just raise this issue as  
11 something we don't have to decide today -- but is it  
12 better for us once we've adopted that we can then send out  
13 messengers in saying here's a series of workshops, this is  
14 the form you need to submit, these are the kinds of  
15 information we're looking for?

16                   MR. SCHIAVO: What we would most likely --

17                   CHAIRMAN EATON: I just have to remind you  
18 that at the same time what makes me nervous about we adopt  
19 in August, and September 1st you get a bunch of  
20 applications, we won't exactly know what is going to be in  
21 those applications so sometimes an ounce of prevention is  
22 a good thing.

23                   And also we as a board are going to be  
24 moving during that time, let us not forget, much to the  
25 chagrin of some of us, to another location and we're going

1 to have half the staff, as I understand it from the move  
2 and Ms. Fish can probably explain it to us better, we've  
3 all heard rumor and innuendo that we're not all moving at  
4 the same time. I want to be very, very careful that this  
5 is an important thing for jurisdictions that we're in the  
6 middle and the window goes up in September. We as a board  
7 are still here in this building, the planning staff of  
8 which you're heading up is over on the 14th floor of the  
9 Cal/EPA building. I don't know how we would be able to --  
10 it's kind of going to be like DMV. You're in the wrong  
11 office or you've got to go down the hall over there. I  
12 think -- we don't have to decide that now but it's  
13 something we might want to take in.

14 BOARD MEMBER ROBERTI: When is our official  
15 move day?

16 MS. FISH: The move will begin in July, and  
17 right now we've requested a change in the schedule because  
18 the program staff is scheduled to move in August, with  
19 then the Board Members and their staff moving in October.  
20 So there is a two-month problem for us that we've  
21 requested consideration.

22 CHAIRMAN EATON: Senator, you can take it  
23 from real experience. You know, having moved a number of  
24 members around legislative offices, that even moving just  
25 a few desks can cause most disruption.

1                   BOARD MEMBER ROBERTI:  -- those kinds of  
2 uncoordinated moves with people we didn't like.  
3                   (Laughter)  
4                   CHAIRMAN EATON:  Rumor has it.  
5                   (Laughter)  
6                   CHAIRMAN EATON:  But if we could just do  
7 that, if that's clear.  But I also want to consider about  
8 the fact and one of the things solicited in the workshops,  
9 if it is a good thing for us, then once things are finally  
10 adopted, that we do training so that will help minimize  
11 the cost, I would think, to a local jurisdiction all the  
12 way around, that those same -- how many cities or  
13 locations were you going to go through in February, April  
14 and May?  
15                   MR. SCHIAVO:  About ten in February and  
16 March.  
17                   CHAIRMAN EATON:  They would be  
18 geographically clustered --  
19                   MR. SCHIAVO:  Yeah.  
20                   CHAIRMAN EATON:  -- based on some sort of  
21 thing, that maybe to think about going out thereafter and  
22 providing some technical benefit for those jurisdictions  
23 that might need that.  
24                   Ms. Moulton-Patterson.  
25                   BOARD MEMBER MOULTON-PATTERSON:  Was the

1 purpose of going out initially to get the cities' input?

2 MR. SCHIAVO: Right.

3 BOARD MEMBER MOULTON-PATTERSON: And then

4 you could go -- you're just worried about the time.

5 CHAIRMAN EATON: No. I'm worried we get

6 the input, we make the recommendations and then all of a

7 sudden we adopt the format and what forms have to be

8 filled out and the information, but going out and working

9 with jurisdictions thereafter and showing them how they

10 can submit the information so we don't have the situation

11 where we're getting 15 kinds of information because no one

12 explained to them that Form A had to be --

13 BOARD MEMBER MOULTON-PATTERSON: No. I'm

14 definitely in favor of it, I just wanted to make sure you

15 were going to go out as much as possible.

16 CHAIRMAN EATON: Absolutely.

17 BOARD MEMBER MOULTON-PATTERSON: For my

18 clarification, how do you let cities know? By mail?

19 By -- I heard a few times, you know, "we didn't know about

20 this workshop."

21 MR. SCHIAVO: Formal notification, web

22 site, and then staff has the listings of E-mail as well,

23 and telephone. We usually do multiple tiers. As far as

24 the post-approval workshops, what we would like to do is

25 the workshops for groups and then have individual staff

1 consultation with them as well. That's what we try to  
2 accomplish, and that's something I didn't mention.

3 CHAIRMAN EATON: So are you going to bring  
4 back to the Board a specific plan in January or February  
5 that lays some of this stuff out for us to look at or --

6 MR. SCHIAVO: Sure. We can do that. I'm  
7 just saying this is informational, and then --

8 CHAIRMAN EATON: The answer was "no", but  
9 if you'd like it, we can have it.

10 MR. SCHIAVO: Yeah. It was informational  
11 to let you know what's going on, and if you would like us  
12 to make this a consideration item, we can do that as well.

13 CHAIRMAN EATON: I personally would like to  
14 be able to see some of the geographical locations that  
15 you're going to, to see if they cover a mailing  
16 requirement or some notice. If we get annual reports from  
17 all the jurisdictions, each of those jurisdictions have a  
18 representative of he or she who submits the report;  
19 correct?

20 MR. SCHIAVO: Right.

21 CHAIRMAN EATON: I would think that would  
22 be somewhat of a -- that's roughly 400 and some; correct?

23 MR. SCHIAVO: Correct.

24 CHAIRMAN EATON: Last time I checked  
25 postage was 33 cents. So if I take 400 times 33 cents,

1 what do I wind up with? Very small expenditure of money  
2 that goes to either there, and there's the elected  
3 officials. I know we'll use all the proper channels  
4 through the League and CSAC and SWANA and some of the  
5 others, but I really do believe that at some point  
6 whatever notice we can provide to them. If they don't  
7 show up to the workshops, that's not really something that  
8 we can control, but I think that if we go out and do this  
9 stuff and say it's very, very important, you know, and I  
10 would even recommend that the notice go out as quickly as  
11 possible. I'm happy if you feel comfortable, but I don't  
12 want us Board Members saying we didn't hear something or  
13 we didn't know what the system happened to be. I think  
14 it's very important.

15 BOARD MEMBER MOULTON-PATTERSON: I would  
16 just like to add it's helpful if we're in a city or we're  
17 at a League of Cities meeting, if we know then we can let  
18 them know also. So I would appreciate it written down,  
19 too.

20 CHAIRMAN EATON: I just have two notices  
21 for public comment, Mike Mohajer and Yvonne Hunter.

22 Yvonne.

23 MS. HUNTER: Hello again. Yvonne Hunter  
24 with the League of Cities. Before I came over here, I  
25 pulled out the chaptered version of the bill, pulled it

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1 off the computer, and it says the Governor signed it  
2 October 3rd, 1997. This was a League-sponsored bill, and  
3 while we're delighted that the Board is proceeding in  
4 developing the procedures to implement SB 1066, I would be  
5 remiss if I did not reiterate the concern that we in CSAC  
6 and SWANA and others have made that quite a long time has  
7 passed between when the bill was enacted and now; and in  
8 fact, the bill envisioned this would have been done, could  
9 have been done earlier. But that's in the past, but I  
10 would have been remiss if I had not said that.

11 I have a suggestion on how you can resolve  
12 the issue about the requests coming in. When you move in  
13 September, speed up the process and have it completed  
14 earlier so that jurisdictions can get their proposals or  
15 their requests in.

16 I'm pleased to hear that the staff's  
17 proposal is to have a lot of workshops. I think that will  
18 be useful. Whether nine is too many and six is too few, I  
19 don't know. I think it depends on where the location of  
20 the workshops will be, how easily accessible they are.  
21 The fact that they will have some proposals on what  
22 exactly the application should include is very good.  
23 It -- I think the bill is fairly straightforward and the  
24 content of what needs to be included, what the Board wants

25 to review, what the jurisdictions should include, that is

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1 pretty straightforward, and also having the opportunity to  
2 have some guidance to jurisdictions on what kind of issues  
3 or criteria the Board will be reviewing in making your  
4 evaluation is important.

5                   We would encourage you, I would encourage  
6 you to speed up the process to the extent that you can,  
7 having training afterwards. Information to jurisdictions  
8 on what they need to do is a worth while idea, but not if  
9 it's going to take two months to do. I think there are a  
10 lot of jurisdictions out there, regardless of how accurate  
11 their numbers are, that know they're not going to make the  
12 50 percent goal and they'd like to at least be able to get  
13 in the pipeline.

14                   Whatever you decide to do, we are more than  
15 happy to help you get the word out. We can certainly put  
16 something on our web site. We can provide you with  
17 mailing labels. We can send cover letters out with your  
18 notices to cities. Whatever you need, we are happy to  
19 work with you. If you want to put together a small group  
20 of city officials to brainstorm on some procedures early  
21 on, we're happy to help with you that. We're delighted  
22 that you're moving ahead on this, and we just urge you to  
23 do so with all deliberate and speed.



24 Thank you.

25 CHAIRMAN EATON: Thank you.

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1 Mr. Mohajer.

2 MR. MOHAJER: Mr. Chair, Members of the  
3 Board, Mike Mohajer, Los Angeles County.

4 I just wanted to basically congratulate and  
5 thank the Board on behalf of our Board of Supervisors and  
6 the L.A. County Local Task Force for moving forward with  
7 this SB 1066 and offer use of our facility for conducting  
8 your workshop on your focus group. We would be willing to  
9 work with the staff to get the notices out to the cities  
10 as well as industry, anybody else that wants to  
11 participate. I'm pretty sure I will be working with Pat  
12 shortly to move on that aspect.

13 CHAIRMAN EATON: Thank you.

14 MR. MOHAJER: Thanks.

15 CHAIRMAN EATON: And Members, I think with  
16 regard to 1066, and I did actually have a couple. I think  
17 that one of the things that even though people say the  
18 bill was prescriptive, I still think there's very, very  
19 important guiding principals that ought to be looked at  
20 here both from a Board perspective as well as a public  
21 policy perspective, and that for instance is even though  
22 we are allowed under the bill to give up to a certain

23 number of years, I would want the staff to consider and I  
24 would want the cities and the affected parties to consider  
25 that.

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1                   For instance, if your numbers are high --  
2 and I'm not going to set an arbitrary number, but let's  
3 say in the upper 30s, low 40s -- that if they come in for  
4 an extension of time and they ask for one year, that one  
5 year should not be given because they are so close. We  
6 don't want to see those individuals. They're obviously  
7 working very hard. Their programs are working. They  
8 should be given nothing less than two- or three-year  
9 extensions. So in other words, the higher your numbers,  
10 the longer your extension.

11                   The jurisdictions you have to look at on a  
12 more regular basis are the ones that may not be doing as  
13 well for the extensions. So those are general guiding  
14 principals. Those aren't necessary in the bill. I think  
15 that's very, very important.

16                   I also want to explore the fact that is  
17 there a mechanism for an automatic extension. If you  
18 reach a certain -- the problem is if you select 41 and  
19 someone is at 40, they're going to say how come 40 isn't  
20 it to get an automatic good faith effort. Those are the  
21 kinds of things that I think to look at to ease the

22 Board's administrative mechanism, not to make it easier on  
23 us, but we obviously know those jurisdictions are doing  
24 well. The green procurement policies, for instance, in  
25 lieu -- if you can't grow grass in the high desert and

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1 can't have curbside pickup in a rural area, then perhaps  
2 maybe part of it is a green procurement policy. But let's  
3 think beyond some of the complicated matters that we've  
4 taken on, and I think those are going to be the key  
5 elements right there.

6                   We've talked about this before, I've talked  
7 with the League, whatever, although I understand there may  
8 be a legal problem with it. Should there be a mechanism  
9 by which there is some consideration to those  
10 jurisdictions who reach 50 percent or greater. In other  
11 words, I'm told we can't give them back money from our  
12 fees or something under a legal obligation, but there  
13 might be a priority, there might be a preference given or  
14 something.

15                   What is the incentive that we have for  
16 those jurisdictions that reach 50 percent or more? Do we  
17 just give them a resolution and say, "God, you've done a  
18 great job." There ought to be some other reward at the  
19 end so that other cities and counties who are trying to  
20 reach 50 percent say if I reach it, I get something for

21 it. So those are just some of the guiding principals.  
22 Mr. Schiavo, you'll be seeing a few more of those guiding  
23 principals coming from me. I've got quite a few of them  
24 that I haven't even gone through.

25 But I think those are important for us as

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1 Board Members to think about those kinds of things, to  
2 think how does it work. Are there some geographical  
3 considerations that need to be done, are there some of the  
4 issues that we're taking up, whether it be the base year  
5 adjustments or waste generation studies, that can be  
6 handled in the corrective action kind of arena within  
7 1066. I'm not saying it should, but I'm saying that might  
8 be a better way to deal with that issue on a case-by-case  
9 basis.

10 As we look at those things, I think it's  
11 important for 1066 because it is important, because the  
12 problem that we have out there, and it's that there's a  
13 lot of uneasiness out there, a lot of uncertainty, and I  
14 agree some of it has been caused by the Board, some of it  
15 has been caused by the parties themselves, but what we  
16 wanted to be is fair and equitable, but also at the same  
17 time one that we can look ahead and look forward down the  
18 road because as the pressure becomes the next year, we  
19 have reached it, we're going to need to respond

20 collectively, not individually and point fingers, because  
21 I think it's going to be a long, long way.

22                   The economic generation of this state has  
23 yet to be explored as to what the impact has been. We've  
24 all heard about it, but we need to look at that and go  
25 from there. With that, I don't know if any other Board

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1 Members have comments, but hopefully we'll have that kind  
2 of debate going on.

3                   One more item, Mr. Schiavo, and you're out  
4 of here for today.

5                   Item Number 25.

6                   MR. SCHIAVO: We'll see.

7                   CHAIRMAN EATON: You'd rather have base  
8 year generation studies?

9                   MR SCHIAVO: This item has to deal with  
10 implementation of AB 75, which is the state program  
11 diversion efforts. AB 75 requires development of model  
12 Integrated Waste Management Plans for state agencies. It  
13 requires diversion of 25 percent by January 1st, 2002 and  
14 50 percent by January 1st, 2004. It requires submission  
15 of annual reports commencing in 2002, and the program  
16 unless legislation changed sunsets January 1st, 2006.

17                   AB 75 participants will include state  
18 agencies, CSU campuses, community colleges and large state

19 facilities. Large state facilities are defined as  
20 Department of Corrections, individual prisons, as well as  
21 Caltrans maintenance facilities, stand-alone facilities  
22 that are quite large in nature and generate a lot of  
23 waste. AB 75 encourages the university system to  
24 participate but does not require universities to  
25 participate.

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1 Initially state agencies are going to be  
2 required to submit plans and they need to focus on  
3 identification of program implementation, as well as  
4 creating new base years. Familiar topic there. We're  
5 currently working to develop some tools, and we plan on  
6 doing extensive outreach on both of those items as well as  
7 go through program definitions in particular with state  
8 agencies.

9 The implementation by time line as required  
10 by statute is on February 15th, 2000, the Board is  
11 required to adopt a model plan that's to be delivered to  
12 all state agencies. In March and April, staff is planning  
13 on providing workshops to particular state agencies based  
14 on function, meaning that we would provide specific  
15 workshops to prison industries types, Caltrans, state  
16 office building types, so on the function of the type of  
17 operation is planned at this point in time.

18                   In April through July, we provide more  
19 individual assistance and outreach to the state agencies  
20 on how to complete their plans and what to look for and  
21 program implementation opportunities for them. July 15th,  
22 2000, each state agency is to have submitted a plan to the  
23 Board to begin the review process. In January 2001, the  
24 Board is to have completed all the plan reviews.

25                   And finally, April 2002, each state agency

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1 is required to submit an annual report regarding what  
2 their ability has been to implement programs, as well as  
3 what their numeric or measurement rate has been.

4                   This concludes my presentation. We plan in  
5 January to bring forward for consideration a process for  
6 implementing this particular plan, as well as the guidance  
7 document and the model plan itself.

8                   CHAIRMAN EATON: Any questions of  
9 Mr. Schiavo?

10                  BOARD MEMBER JONES: Mr. Chairman.

11                  CHAIRMAN EATON: Mr. Jones.

12                  BOARD MEMBER JONES: I was at RCRC last  
13 week talking to those folks, and I think that obviously  
14 because of the funds available to this Board and the  
15 effort available to this Board they're going after big  
16 entities. Okay. 150 people, 200 people, whatever. The

17 impact of a small office in rural California could be  
18 pretty big, so what I had floated by RCRC to see if they  
19 would even consider it would be those jurisdictions that  
20 have small entities, small government entities within  
21 their boundaries, that the local assistance or that the  
22 local agency work with that state agency to try to not  
23 only let them know what infrastructure is available, but  
24 some programs they can do to have a positive impact so  
25 that jurisdiction doesn't go upside down just because

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1 there's not a hundred people, but there might be 20. If  
2 it's an EED office, it's going to have a big impact on  
3 that small jurisdiction.

4                   So I would like us to consider that as part  
5 of this program, that local agencies of rural California  
6 be allowed to work with the state agencies to make them  
7 aware of programs and what they can do to be part of the  
8 solution.

9                   CHAIRMAN EATON: Well, and I just wanted to  
10 remind you one of the other things, Senator Roberti, I  
11 know you're interested in raising the issue with regard to  
12 this is the one that sets the state agencies having to  
13 come into compliance by 2003-2004, but one of the other  
14 guiding principals -- not to go back to 1066 -- but that  
15 ought to be factored in, too. Is there a particular state



16 facility in a jurisdiction that is uncooperative and  
17 therefore not reaching them to get -- that doesn't allow  
18 that jurisdiction to obtain the benefits of some of that  
19 waste stream. That's got to be part of the 1066, and it  
20 blends really nice. I didn't want to steal your thunder,  
21 but those are the kinds of things that I think we look at  
22 for good faith effort because good faith effort does  
23 include good faith effort on the part of the state.

24 BOARD MEMBER ROBERTI: Don't we have  
25 information coming back to us?

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1 CHAIRMAN EATON: I believe we do. That's  
2 part of your stuff, and part of why we want you, Pat, to  
3 come back to us with stuff on 1066 so that we can kind of  
4 go through some of the issues that were raised by us  
5 individually and sort of connect the dots in the process  
6 as to how that goes. I think that's very important and  
7 all the Board Members have spoken about that individually  
8 amongst ourselves, how do we try and get the state more  
9 involved because in some cases they are part of the  
10 problem to a greater extent than we had envisioned. So  
11 you'll be coming back to us in January, I believe?

12 MR. SCHIAVO: January.

13 CHAIRMAN EATON: Thank you. Now I'd like  
14 to take a short 15-minute break because also the court

15 reporter needs it, but also Ms. Trgovcich, if you  
16 remember, has come back with a compliance or an agreement,  
17 is my understanding; is that correct? So none of us have  
18 seen this written document, so it may give the staff and  
19 whoever is interested an opportunity for a couple of  
20 minutes just to look at it so it kind of blends in nicely.

21                   Members, just to kind of get an idea, we  
22 only have a few items left. I think what I would like to  
23 go to is about 4:15 or 4:30 at the latest because we do  
24 have some items. 4:15 will be a short item. That's fine.  
25 We've got some things in the morning and stuff that was

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1 kicked over. I hoped that we could all get out of here by  
2 3:00, but we got a little hung up on one of the other  
3 items. If we can do Ms. Trgovcich and one or two others  
4 and be out of here, I think we then will have completed  
5 our day's work.

6                   (Brief recess taken)

7                   CHAIRMAN EATON: Everyone having spent the  
8 break I'm sure going through and going over the proposed  
9 Rigid Plastic Packaging Container law compliance agreement  
10 with Loctite, so Ms. Trgovcich, if you could begin. This  
11 would be Item Number 12, if I'm not mistaken.

12                   MS. TRGOVCICH: Good afternoon, Chairman  
13 and Members. We are going to be very brief with this

14 item. What you have been handed out is a revised  
15 compliance agreement based upon conversations with Loctite  
16 this morning.

17 The changes that we want to you take note  
18 of are included in an italicized type in the draft  
19 agreement. Michelle will provide you a very brief  
20 overview of the company, and Debbie will highlight the  
21 changes very quickly for you.

22 MS. MARLOWE: Good afternoon, Chairman and  
23 Board Members. Loctite Corporation is a maker and  
24 supplier of automotive lubricants and sealants. It is one  
25 of four subsidiaries of the parent company North American

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1 Group. Other subsidiaries include Loctite BSI and  
2 Permatex. The company employs more than 900 employees and  
3 declares assets in excess of \$1 million.

4 And I think for the specifics on the  
5 agreement, I will defer to Deborah.

6 MS. BORZELLERI: Thank you, Michelle.

7 CHAIRMAN EATON: One question. You said  
8 Loctite is made up of how many companies?

9 MS. MARLOWE: Four.

10 CHAIRMAN EATON: And does this agreement  
11 cover all four or just one?

12 MS. MARLOWE: I think it covers just

13   Loctite.

14                   MS. TRGOVCICH:   The agreement would cover  
15   the entity that received the certification, and the entity  
16   that received the certification is Loctite.   Unlike  
17   Pennzoil, if you'll remember in the prior agreement  
18   Pennzoil-Quaker State stepped forward and said we will  
19   sign for all of our subsidiaries.

20                   CHAIRMAN EATON:   Right.

21                   MS. TRGOVCICH:   That was a voluntary move  
22   on their part.

23                   MS. BORZELLERI:   Just to remind Board  
24   Members, this is a standard agreement that the Board has  
25   adopted, and I wanted to highlight the differences that

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1   Loctite had requested.

2                   First is the compliance period that we  
3   worked with them on.   Because this was somewhat late in  
4   the process, we were willing to recommend to the Board  
5   that they go with the six-month period ending December  
6   31st, 2000 so it was the six-month period rather than the  
7   full year of 2000, and that is similar in what we did with  
8   Pennzoil.

9                   In paragraph 2.3B, Loctite very clearly  
10   wanted an ending date to the agreement, and so we came up  
11   with some language that says once they submit the final

12 report and that report is approved by the Board, the Board  
13 would agree to take no further enforcement action against  
14 Loctite for the compliance years, '96, '97, '98, '99 and  
15 2000, which this agreement is addressing.

16                   Thirdly, Loctite has some special  
17 considerations. They have some products where they're  
18 having some difficulty with post-consumer plastic and  
19 lightweighting because of the nature of the compounds that  
20 are being sold in them, and they wanted the Board to take  
21 note. And we have this language in two places in the  
22 agreement.

23                   In Section 2.4 is the first place where we  
24 say in the event a public hearing is scheduled, pursuant  
25 to paragraph 2.3, which would mean Loctite would be

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1 failing to meet the requirements of the agreement. They  
2 wanted us to take note of their representations and that  
3 the Board would take into consideration that their  
4 containers are integral to the functioning of the product  
5 and therefore may not susceptible to modification,  
6 lightweighting or other methods as set forth in one of the  
7 compliance methods without severely compromising the  
8 effectiveness of the product. And the Board is not  
9 agreeing that is a fact, they're just agreeing they would  
10 take that into consideration in any hearing that is held.

11                   In Section 3.1, subsection C, they're  
12 agreeing to take -- undertake testing protocols for  
13 certain of their products, and if -- and they would report  
14 back to the Board by August 31st of the year 2000, which  
15 is similar to what we did with Toro. If they find that  
16 they are unable and it's not feasible for them to do the  
17 thing that we're asking, they would immediately present  
18 that information to the Board and then the Board would  
19 give them another solution that would be deemed  
20 acceptable. And again, they wanted to have the Board take  
21 into consideration the difficulty they may have based on  
22 the nature of their products.

23                   And lastly, this is a minor point.  
24 Subsection D, we -- Loctite -- there was some confusion  
25 about which actual products were covered, which ones were

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1 exempt. We need some additional documentation from them  
2 about some that are supposedly exempt under the U.N.  
3 guidelines, and they've agreed to supply that information  
4 to us by March 31, 2000.

5                   Other than that, the agreement is very  
6 similar to the others in substance.

7                   CHAIRMAN EATON: And dates?

8                   MS. BORZELLERI: Pardon me?

9                   CHAIRMAN EATON: And dates?

10 MS. TRGOVCICH: It is very similar in  
11 dates. The only difference is that the compliance period  
12 that will be evaluated here is July 1 to December 31st,  
13 similar to Pennzoil-Quaker State, as opposed to the entire  
14 calendar year, and that is because we are so late in  
15 calendar year '99 right now.

16 CHAIRMAN EATON: And the reason why I raise  
17 the issue, Ms. Fish as acting Deputy Director, if you can  
18 consult with the Legal Office, we've got a lot of dates  
19 for submittal of information coming in the summer months,  
20 and as I mentioned during the 1066, some of us will be  
21 here and some of us won't. We'll be sort of in transit  
22 between two buildings.

23 How we schedule for board meetings later in  
24 that month to act upon this, if something expires on  
25 December 31st and they have to submit it by August 31st --

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1 I think is one of the dates in here, so let's say  
2 September 1st -- that really gives us about three and a  
3 half months really to consider all the information. So if  
4 you can just get that and get it going and get it on the  
5 agenda so that we don't miss those dates, that can be some  
6 of the problems with compliance because as I read through  
7 it, there is no provision for extension.

8 MS. TRGOVCICH: There are --

9 CHAIRMAN EATON: Can we unilaterally extend  
10 this as a Board, or do we have to have the agreement of  
11 the other party?

12 MS. TRGOVCICH: The agreement clearly  
13 states that extensions can be granted for interim  
14 milestones within the compliance schedule but not for the  
15 ultimate compliance deadline. So it's my understanding  
16 that this would need to be a revised agreement if we were  
17 to extend it.

18 CHAIRMAN EATON: Those are some of the  
19 administrative things that need to be calendared and  
20 calendared now and factored in and get them there.

21 BOARD MEMBER JONES: Mr. Chairman.

22 CHAIRMAN EATON: Any questions?

23 Mr. Jones.

24 BOARD MEMBER JONES: I have a question.  
25 I'm a little bit -- I'm familiar with their products

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1 because you need them to fix equipment. Are they going to  
2 give you a list -- one of the things that was written here  
3 that I hadn't thought about for them was the packaging is  
4 critical to how you use this stuff. A lot of times you  
5 are in a truck, under a truck and you need that squeeze  
6 bottle to do certain things, to be able to apply that  
7 evenly.



8                   Are they going to provide you that  
9 information where -- I don't know if they're going to be  
10 like the Toro folks that have a problem with using  
11 post-consumer in some of these adhesives, but are they  
12 going to give you an idea -- I mean we're talking about  
13 some of the bottles are this big with a nozzle that you  
14 need that's a squeezer.

15                   MS. TRGOVCICH: And some of those products  
16 may be exempt just due to size alone, but under the  
17 compliance agreement with respect to both the testing  
18 protocol, as well as the ultimate demonstration of  
19 compliance, they will be required to demonstrate to us  
20 across all product lines that are regulated --

21                   BOARD MEMBER JONES: Okay.

22                   MS. TRGOVCICH: -- how they have achieved  
23 compliance.

24                   MS. TOBIAS: Maybe -- Mr. Chair, maybe in  
25 that case in Section 2.4 and 3.1C, down at the bottom,

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1 where it says that the Board will consider or take into  
2 consideration Loctite's representations, maybe that should  
3 be substantial evidence as opposed to a representation. I  
4 think that -- I don't know if that changes it too much for  
5 Loctite, but to me a representation is pretty different  
6 than substantial evidence. That's basically just how -- I

7 think they can come back and say well, we're representing  
8 that we've done the work and we can't change this, whereas  
9 I think what the Board would want to see is evidence.

10 You can either say evidence or substantial  
11 evidence, but I'm not sure representation is a strong  
12 enough word for the reason that was just brought up.

13 BOARD MEMBER JONES: Was representation the  
14 word you negotiated in your conversations? Because I know  
15 that if you negotiated that word and we're going to change  
16 it, then they're going to --

17 MS. BORZELLERI: It was actually my word in  
18 lieu of something else that they had put in. They were  
19 wanting us to take it as fact, and I said we can't take it  
20 as fact until you show the Board. So I think they  
21 understand that it's an evidentiary matter that they need  
22 to bring to the Board, and I can't honestly say they'll  
23 accept this, but we'll do our best and say this is what  
24 the Board wanted if that's what your pleasure is.

25 MS. TRGOVCICH: Since this would be a

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1 discretionary act on the part of the Board whether or not  
2 you even chose to take that information that they  
3 presented into consideration, were to consider their  
4 actions at a later penalty hearing, I would suggest if  
5 we're going to proceed to a motion here, that perhaps we

6 be given some leeway that if we will not support the word  
7 substantial evidence, that we be able to fall back to the  
8 term representation since this really does not bind the  
9 Board in any way.

10 MS. TOBIAS: A step back too, I think if  
11 the Board agrees to that, we could also say in the cover  
12 letter to them that if they only keep it at  
13 representation, then I think we should indicate something  
14 about evidence that you would present to the Board that  
15 you have based your representations on.

16 BOARD MEMBER JONES: A definition of what  
17 represents is.

18 MS. TOBIAS: Well, that or basically just  
19 to say we want to see what your representations are based  
20 on.

21 CHAIRMAN EATON: Any other questions?  
22 Okay.

23 BOARD MEMBER JONES: So we have to find  
24 a --

25 CHAIRMAN EATON: I think it's Item Number

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1 12, but I think it's just --

2 MS. TRGOVCICH: Item Number 12, Resolution  
3 Number 1999-639.

4 BOARD MEMBER JONES: Mr. Chairman.

5 CHAIRMAN EATON: Mr. Jones.

6 BOARD MEMBER JONES: I would like to move

7 adoption of Resolution 1999-639, consideration of the

8 approval of a Rigid Plastic Container compliance agreement

9 for the year 2000 with Loctite Corporation with one

10 change, that we -- you define representation or whatever

11 it needs. Either replace it or define it, whatever you

12 guys can work out between you and the party.

13 CHAIRMAN EATON: Okay. Second? All right.

14 I'll second it.

15 BOARD MEMBER MOULTON-PATTERSON: Second.

16 CHAIRMAN EATON: That's fine. Mr. Jones

17 moves and Ms. Moulton-Patterson seconds that we adopt

18 Resolution 1999-639.

19 Madam Secretary, please call the roll.

20 BOARD SECRETARY: Board Members Jones.

21 BOARD MEMBER JONES: Aye.

22 BOARD SECRETARY: Moulton-Patterson.

23 BOARD MEMBER MOULTON-PATTERSON: Aye.

24 BOARD SECRETARY: Pennington.

25 BOARD MEMBER PENNINGTON: Aye.

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1 BOARD SECRETARY: Roberti.

2 Chairman Eaton.

3 CHAIRMAN EATON: Aye.

4                   Okay. And that would mean that it's  
5 unnecessary to deal with Item Number 15; is that correct?

6                   MS. TRGOVCICH: Correct. That item can be  
7 pulled.

8                   CHAIRMAN EATON: Okay. Number 15, Members,  
9 is pulled.

10                  All right. That completes, I believe, the  
11 section on Waste Prevention Market Development. We can  
12 return to regular items. With that in mind, however, I  
13 would like to be able to go to Item Number 37 since those  
14 individuals who are receiving the Trash Cutter Awards, and  
15 Ms. Cara Morgan informed us that there's enough trash  
16 talking going on that we might want to have some trash  
17 cutting going on today.

18                  (Laughter)

19                  CHAIRMAN EATON: And that would be our last  
20 item for today and that would take up the whole section of  
21 Special Waste tomorrow in regular order and we can be out  
22 of here. I think these individuals have been here since  
23 midafternoon and the kind of work that they have done and  
24 that brings them here today should be recognized and  
25 recognized without the time constraints. So if that's

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1 amenable to everyone on the Board, we'll start tomorrow  
2 morning with the Special Waste section and today's last

3 item will be Item Number 37, which is the presentation of  
4 awards, Trash Cutter Awards for local government.

5 Ms. Cara Morgan.

6 MS. MORGAN: Good afternoon, Mr. Chairman,  
7 Board Members. My name is Cara Morgan. I work with the  
8 Office of Local Assistance.

9 We're here today to honor the five city  
10 trash cutter award winners for 1999. The county winners  
11 were actually presented their awards by Board Member Linda  
12 Moulton-Patterson at the County Supervisors' Association  
13 conference on November 30th in Monterey. The county  
14 winners are for 1999, County of Santa Cruz for creative  
15 partnerships, schools, and public information; Lake County  
16 for recycling; Los Angeles County for innovation; and the  
17 Monterey Regional Waste Management District for regional  
18 waste reduction.

19 We've placed at the back of the room  
20 program summaries on each of the winners in more detail.  
21 On behalf of the Board, it is my pleasure to announce the  
22 city winners for the Board's 1999 Trash Cutter Awards  
23 program. This awards program is given for outstanding  
24 achievement in waste reduction and diversion.

25 For the best organics management category,

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1 the City of Berkeley's organics management program is the

2 winner. I feel that I need to be at the Oscars and have  
3 someone bringing to me an envelope. The City has a  
4 multi-faceted program including green waste collection,  
5 green waste and wood waste diversion at the transfer  
6 station, and s food scrap collection project. The City,  
7 in cooperation with commercial businesses, helps to divert  
8 8,000 tons of organic waste per year from the landfill  
9 from all of its organic operations. The City of Berkeley  
10 has a 42-percent overall recycling rate. Deborah Kaufman,  
11 Recycling Program Manager, will be accepting the plaque  
12 today in recognition of the City's efforts.

13                   Our next award winning is the City of  
14 Sunnyvale, winning for best waste prevention program.  
15 Since 1992, the City has held an annual citywide garage  
16 sale event. The event is designed to provide residents a  
17 way to divert usable household items from the landfill and  
18 to reinforce the reuse message among the City's residents.  
19 It is becoming a much anticipated annual event in  
20 Sunnyvale with an average registered participation of 550  
21 homes per year. As the first jurisdiction in Santa Clara  
22 County to implement this program, the City of Sunnyvale  
23 has offered technical assistance and made its public  
24 education promotional materials available to many other  
25 local governments in the area.

1                   In the coming years the City will continue  
2 to organize and promote this program as an important part  
3 of its public education and waste management programs.  
4 Accepting the award today will be Mark Bowers, the Solid  
5 Waste Program Manager for the City of Sunnyvale.

6                   The City of Watsonville has been selected  
7 as a Trash Cutter Award winner, winning in the category  
8 for best construction and demolition debris management  
9 program for remodeling their city hall. In August 1998,  
10 the City remodeled a portion of their downtown city hall.  
11 During the Deconstruction phase, valuable materials were  
12 saved for reuse in other parts of the city. In addition  
13 to reuse during the model project, tons of materials were  
14 removed from the waste stream and recycled, saving  
15 valuable landfill space. The City closed their recycling  
16 loop by using recycled content product during the final  
17 stage of the construction project. Unfortunately because  
18 of scheduling conflicts, a representative from the City  
19 could not be here today, but we will be sending them their  
20 award.

21                   In the best procurement category, the City  
22 of Pittsburg's recycled products procurement policy is the  
23 winner. The City adopted and passed a procurement policy  
24 in 1998. This policy demonstrated the City's commitment  
25 to recycling by purchasing recycled content materials and



1 fostering markets for recycled materials. The City is  
2 also purchasing rerefined oil for all city vehicles,  
3 recycled content plastic lumber benches at the city golf  
4 course, converting city letterhead, envelopes, business  
5 cards and many other items to recycled content.

6                   Implementing the procurement policy has  
7 increased employee awareness of purchasing materials made  
8 with recycled content and debunking the myth regarding the  
9 quality of recycled products. Accepting the award today  
10 on behalf of the City is Laura Wright, the Waste Reduction  
11 Coordinator.

12                   I want to acknowledge the City of El Monte  
13 who is our urban waste reduction winner. The City of El  
14 Monte was recently selected as having the most outstanding  
15 urban program in the nation by the National Recycling  
16 Coalition. The City went from a 6 percent recycling rate  
17 in 1994 to a rousing 34 percent in 1998, all based on  
18 programs and not doing a new base year. Critical to El  
19 Monte -- sorry. I thought I would throw that in.

20                   (Applause)

21                   MS. MORGAN: Critical to El Monte's  
22 success has been understanding cultural differences and  
23 presenting information using a variety of approaches. The  
24 City uses bilingual waste auditors and written follow-up  
25 with recommendations in appropriate languages. Because of

1 this, the City has been successful in gaining the trust of  
2 all of its residents, which is a very diverse group of  
3 folks.

4 Here to accept the award today for the City  
5 of El Monte is Richard Garner, the Engineering Analyst for  
6 the City.

7 In conclusion, we would like to commend our  
8 1999 trash cutter award winners. Their successful  
9 programs will serve as models for other jurisdictions  
10 throughout the state. These California communities have  
11 risen to the challenge of successfully reducing waste,  
12 relying on cooperation with neighboring jurisdictions, and  
13 partnerships with private industry and local businesses.

14 That concludes this part of the  
15 presentation.

16 CHAIRMAN EATON: Thank you. And in keeping  
17 with your wish and your feeling of being in an Oscars  
18 atmosphere, I should note that today's winners were not  
19 known to the worldwide recycling world until the  
20 accounting firm of Morgan and Morgan Trash Cutter  
21 Accountants tallied the votes and presented them here to  
22 our Board.

23 (Laughter)

24 CHAIRMAN EATON: But I know that before we  
25 actually make the presentation, some of the Board Members

1 would like to perhaps make any comments with regard to  
2 some of our winners today.

3 BOARD MEMBER ROBERTI: Mr. Chairman.

4 CHAIRMAN EATON: Senator Roberti.

5 BOARD MEMBER ROBERTI: I'm sure all of the  
6 winners are very, very deserving, but I would like to make  
7 a point on the City of El Monte.

8 I was happy to attend their recycling  
9 bazaar. I don't know what their exact title of it was,  
10 but it was very impressive, a lot of enthusiasm, a lot of  
11 community activity, and I almost scratched my head  
12 wondering to myself my goodness. And there was so much  
13 enthusiasm it would be hard to normally think this wasn't  
14 made to work. It was a real community activism. So I  
15 commend them and the other winners, but I saw El Monte  
16 firsthand with their initiative in this area.

17 CHAIRMAN EATON: And I'm scheduled to go  
18 down to the Monterey area in early January so if you want,  
19 I would be happy to go by the City of Watsonville to  
20 present that.

21 MS. MORGAN: That would be great. Thank  
22 you.

23 CHAIRMAN EATON: Is that part of their  
24 earthquake retrofit that took place?

25 MS. MORGAN: I believe so, for their city

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1 hall.

2 BOARD MEMBER JONES: Mr. Chairman.

3 CHAIRMAN EATON: Mr. Jones.

4 BOARD MEMBER JONES: I just wanted to say  
5 something. I want to say congratulations to all of you  
6 because it's those kinds of efforts that make this go  
7 forward. We understand when we sit here dealing with  
8 policy, the policies just set the policy. It's the people  
9 that implement the programs, implement those policies,  
10 that are real heroes of AB 939. And you all need to take  
11 a lot of pride in what you've done and we certainly  
12 appreciate the efforts that you put forward every day on  
13 behalf of your jurisdictions.

14 So thank you.

15 CHAIRMAN EATON: Thank you. And it's now  
16 time for the presentations, I believe.

17 MS. MORGAN: Time for the presentations.

18 CHAIRMAN EATON: Mr. Pennington, since you  
19 started off the day on such a somber note, I thought maybe  
20 it would be most appropriate to leave it on a happy note,  
21 and Mr. Jones, and Senator Roberti, if you would like to  
22 do El Monte. Ms. Moulton-Patterson.

23 BOARD MEMBER MOULTON-PATTERSON: If you  
24 don't have one left.

25

CHAIRMAN EATON: We do have one left. Each

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1 of those, if you want to pick one, and if Mr. Pennington  
2 wants to continue to go left and take the City of  
3 Berkeley, I would be happy to --

4 (Laughter)

5 CHAIRMAN EATON: -- to acknowledge that or  
6 otherwise.

7 MS. MORGAN: We're going to start with City  
8 of Berkeley, then, and Deborah Hoffman will be accepting  
9 the award today.

10 BOARD MEMBER PENNINGTON: Congratulations.

11 MS. HOFFMAN: Thank you. Thank you very  
12 much.

13 (Applause)

14 BOARD MEMBER PENNINGTON: Next.

15 MS. MORGAN: Next is Mark Bowers with City  
16 of Sunnyvale.

17 (Applause)

18 MS. MORGAN: And next we have Laura Wright  
19 with City of Pittsburg.

20 (Applause)

21 MS. MORGAN: And finally, since the  
22 Senator has been to El Monte and has truly witnessed these  
23 outstanding programs, we have Richard Garner accepting the

24 award for the City.

25 (Applause)

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1 MR. BOWERS: Thank you.

2 (Applause)

3 MS. MORGAN: Thank you.

4 BOARD MEMBER PENNINGTON: Thank you.

5 CHAIRMAN EATON: Thank you all for being so  
6 patient this afternoon and waiting around, and hopefully  
7 go back to your respective cities and communities and let  
8 them know that we do believe in the kind of hard work and  
9 efforts that have been made.

10 So with that, thank you very much for  
11 coming today. Thank you Ms. Morgan for your academy award  
12 winning performance. With that, we'll stand in recess  
13 until 9:30 tomorrow morning in which we will pick up with  
14 Item Number 26. It looks like we have about eight or nine  
15 items, but we do have a closed session that we will do  
16 upon return from lunch.

17 So with that, we'll stand in recess until  
18 9:30 tomorrow morning.

19 \* \* \*

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4 I, Terri L. Emery, CSR 11598, a Certified  
5 Shorthand Reporter in and for the State of California, do  
6 hereby certify:

7 That the foregoing proceedings were taken  
8 down by me in shorthand at the time and place named  
9 therein and was thereafter transcribed under my  
10 supervision; that this transcript contains a full, true  
11 and correct record of the proceedings which took place at  
12 the time and place set forth in the caption hereto.

13

14

15 I further certify that I have no interest  
16 in the event of the action.

17

18

19 EXECUTED this 19th day of January, 2000.

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21

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Terri L. Emery

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Please note: These transcripts are not individually reviewed and approved for accuracy.